

California Department of Corrections and Rehabilitation

Office of Audits and Compliance



Operational Peer Review

RJ Donovan

September 29 through October 3, 2008

TABLE OF CONTENTS

	<u>SECTION</u>
Executive Summary	1
Administrative Segregation and Due Process.....	2
Business Services.....	3
Education Programs	4
Inmate Appeals	5
██████████	6
Administrative Segregation Bed Utilization	7
Radio Communications.....	8
██████████	9

OFFICE OF AUDITS AND COMPLIANCE

RICHARD J. DONOVAN CORRECTIONAL FACILITY AT ROCK MOUNTAIN

EXECUTIVE SUMMARY

The Office of Audits and Compliance, in conjunction with various teams, conducted an audit of Administrative Segregation (Ad Seg) and Due Process, Inmate Education Programs, Inmate Appeals, Ad Seg Bed Utilization, [REDACTED] and [REDACTED] at the Richard J. Donovan Correctional Facility at Rock Mountain (RJD). The audit was performed during the period of September 29, 2008 through October 3, 2008. The purpose of the audit was to determine RJD's compliance with State, federal, and departmental rules, regulations, policies, and procedures.

Preliminary audit reports were prepared for each of the audited areas. This executive summary identifies the significant issues identified in each of the preliminary reports. For more information on the areas of interest, please see the detail preliminary report. The Office of Audits and Compliance requested that RJD provide a corrective action plan 30-days from the date of the preliminary report.

A summary of the significant issues is as follows:

Ad Seg and Due Process

- **Witnesses on the Administrative Segregation Unit Placement Notice (CDC 114-D).** Of the 30 records reviewed, 24 (80 percent) contained documentation regarding the need for witnesses. The remaining 6 records left this section blank.
- **Witnesses on the Classification Chrono (CDC 128-G).** Of the 30 records reviewed, 24 were not ratable as the need for witnesses was properly documented on the CDC 114-D. Of the 6 ratable records, 3 (50 percent) contained information on the CDC 128-G regarding the need for witnesses when this information was not otherwise properly documented on the CDC 114-D. The 3 remaining records did not contain this information on the CDC 128-G.
- **Signing Of Post Orders.** The review revealed that there are 74 identified staff assigned to 48 Administrative Segregation Unit (ASU) posts. Of the 96 required signatures, 69 (72 percent) were present acknowledging the understanding of the post orders.
- **Post Order Staff.** The review revealed that unit supervisors do not consistently ensure that custodial staff assigned to the ASUs read and understand their post order upon assuming their post.

- **Training.** The review revealed that 60 custody staff have been assigned to the ASUs for 1 year or more. These 60 staff members are each required to have completed 11 specialized training classes. Of the 660 required classes, 495 (75 percent) have been taken.
- **Exercise.** The review revealed that the RJD's ASUs provide controlled compatible, reintegrated mixed, and walk-alone yard group designations. The controlled compatible and reintegrated mixed yard group designations in Facility II, Building 6, are being offered 3 exercise periods per week for a total of 10 hours of outdoor exercise. However, the walk-alone yard group designations are not consistently receiving the required 10 hours of outdoor exercise per week (approximately 2-4 hours per week). In addition, inmates housed in Facility II, Building 7, are only receiving approximately 5 hours of exercise per week and inmates housed in Building 8 are not being offered any outdoor exercise. Additionally, the toilet facilities in Building 6, A and B yards, are not functioning properly.
- **Rule Changes.** In Buildings 7 and 8, proposed changes, or changes to the Director's Rules, the Department of Operations Manual (DOM), Administrative Bulletins, and Memorandums that affect the inmate population are not conspicuously posted in areas accessible to the inmate population
- **Inmate Daily Segregation Record (CDC 114-A1) 90-Day Update.** The review revealed that in a random sample of 30 CDC 114-A1s, 4 were not ratable as the inmate had not been on ASU status for a period of time long enough to require a 90-day update. Of the 26 ratable CDC 114-A1s reviewed, 19 (73 percent) were updated as appropriate. The 7 remaining CDC 114-A1s were not updated as required.
- **Fire Drills.** Documentation provided indicates that of the 24 required quarterly fire drills, 16 (67 percent) were completed.

Inmate Education Programs

Education Administration:

The current Education Operational Procedure was revised in February 2008 but does not make any reference to the Department Operations Manual.

Two teachers spend their time almost entirely coordinating college programs which is contrary to the Office of Correctional Education's policy and general funding for Adult Basic Education requirements.

There are also several teachers assigned to handle the education testing process that are not identified by the Office of Correctional Education as approved positions for that specific purpose. It is recommended that RJD's Education Department and the Warden work with the Office of Correctional Education to clarify these assignments.

No Certificates of Achievements are issued to students.

Academic Education:

All students are not being tested within ten days of the student's initial entry into the classroom, as well as the quarterly testing based on the Test of Adult Basic Education matrix.

There was no evidence that the Test of Adult Basic Education locator test is being used, when needed, to determine which level-appropriate Test of Adult Basic Education test to administer in any of the classrooms.

No Certificates of Achievements are issued to students.

Vocational Education:

The teachers were unaware that they can give elective credits to the students in their programs.

The teachers are not trained in the use of the National Center for Construction Education and Research guidelines. Additionally, they are not using the National Center for Construction Education and Research test materials.

The teachers that have not received training from the Office of Correctional Education for the National Center for Construction Education and Research are unable to issue 1) industry certificates and 2) National Center for Construction Education and Research certificates.

The Office of Correctional Education has not provided the teachers with National Center for Construction Education and Research training. The teachers require training and certification before they may submit documentation to National Center for Construction Education and Research and issue certificates.

The teachers were not familiar with the Test of Adult Basic Education locator test.

Inmate Appeals**Timeframes:**

The Appeals Office did not stamp the appeals each time it was received in the office. The Appeals Office staff have since begun stamping the appeal form. This procedure is clarified in DOM, Section 54100.9.

In Facilities 1 and 4, some staff were avoiding the informal process of appeal. Staff would tell the inmate to submit the appeal to the Appeals Office, and the Appeals Office screens it back to the inmate telling him to get an informal response. This causes additional workload for staff and it often violates the timeframes for answering the appeals.

First-level responses were completed within 30 working days 77 percent of the time. Second-level responses were completed within 20 working days 50 percent of the time. Low scores regarding timeframes are a result of the overdue appeals.

Ad Seg Bed Utilization

- The Warden's Weekly Report, ASU tracking log should be reformatted to include tracking of specific time processes such as pending Rules Violation Reports (RVR) which should indicate the: charge, date, status, and investigations which should indicate the: assigned to whom, date, and status. This will allow staff to quickly identify cases which may need follow-up or are ready to be brought back to the next available Information Classification Committee (ICC). (Prior discrepancy)
- Improved tracking of cases is needed to ensure all cases are presented to the Classification Staff Representative within 30 days of the initial ICC referral per California Code of Regulations (CCR), Section 3335(e). (Repeat deficiency with 42 percent compliance.)
- Adjudicated RVRs are not being reviewed in ICC within 14 days of Chief Disciplinary Officer review as required per CCR, Section 3335(d) (1) (2). (Prior discrepancy with 19 percent compliance.) Staff should examine the method of how classification staff are notified of adjudicated RVRs and completed investigations. Also, they should ensure that the RVRs or investigations which are likely to have immediate impact for transfer or potential release from ASU are scheduled for next available ICC.
- Steps should be taken to ensure the Investigative Services Unit (ISU) 837, Incident/Court Tracking Report is updated on a regular basis and complete. The accept/reject dates and prosecution results need to be documented appropriately in order to ensure timely resolution of postponed RVRs. (Prior discrepancy)
- Steps should be taken to ensure documentation generated by ISU regarding the District Attorney referrals/screen-out decisions are expediently placed in the central files. (Prior discrepancy)

114

- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
- [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF AUDITS AND COMPLIANCE

PROGRAM COMPLIANCE REVIEW

REPORT OF FINDINGS

ADMINISTRATIVE SEGREGATION
AND
DUE PROCESS

RJ DONOVAN

SEPTEMBER 29 THROUGH OCTOBER 3, 2008



PRELIMINARY

CONDUCTED BY

COMPLIANCE/PEER REVIEW BRANCH

TABLE OF CONTENTS

<u>SUBJECT</u>	<u>PAGE</u>
Introduction	I
Review Scope and Methodology	II
Compliance Rating by Subject Area	III
Executive Summary	IV
Summary Chart (Symbol Definitions)	V
Summary Chart	VI
Comparative Statistical Summary Chart	IX
Narrative Section	
Summary of Facilities Reviewed	1
Conditions of Segregated Housing	1
Due Process	
Administration	
Glossary	

Review of Administrative Segregation and Due Process

Richard J. Donovan Correctional Facility at Rock Mountain

INTRODUCTION

This review of administrative segregation unit (ASU) operations and due process provisions at the Richard J. Donovan Correctional Facility at Rock Mountain (RJD) was conducted by the Adult Compliance/Peer Review Branch, Office of Audits and Compliance (OAC) between the dates of September 29-October 3, 2008. The OAC utilized the California Penal Code (PC), California Code of Regulations (CCR), Title 15, California Department of Corrections and Rehabilitation's (CDCR) Department Operations Manual (DOM), CDCR's Use of Force Policy, Administrative Bulletins (AB) 95/3R and AB 99/03, and Information Bulletins (IB) as the primary sources of operational standards. In addition, applicable court-ordered minimum standards established under **Toussaint v. Gomez** were used in this review as a benchmark for litigation avoidance.

This review was conducted by Mark Perkins, Facility Captain; Tony Alleva, Facility Captain; Al Sisneros, Correctional Lieutenant; Mike Brown, Correctional Lieutenant; and Charles Lester, Correctional Lieutenant, of the OAC.

The review consisted of an on-site inspection, interviews with staff and inmates, reviews of procedures and other documentation, and observation of institutional operations.

The purpose of the review is one of overall analysis and evaluation of the Institution's compliance with the terms and conditions of State regulations and court-established standards.

Each area was reviewed by a minimum of two primary reviewers and cross-verified by other members of the OAC as possible. Overall, findings presented in the attached report represent the consensus of the entire OAC.

Review of Administrative Segregation and Due Process

Richard J. Donovan Correctional Facility at Rock Mountain

REVIEW SCOPE AND METHODOLOGY

The OAC conducted an on-site review at RJD during the period of September 29-October 3, 2008. The purpose of this review was to assess the level of compliance with established State regulations and court-established standards in the areas of ASU operations and due process provisions. This review and the attached findings represent the formal review of RJD's compliance by OAC.

The scope and methodology of this review was based upon written review procedures developed by OAC and provided to RJD's staff in advance of the review.

Random sampling techniques were employed as an intrinsic part of the review process.

For the purposes of this review, facilities were toured by members of the OAC, cell and tier inspections were conducted in the units, and randomly selected inmates were informally interviewed based upon their interest and willingness to talk with OAC.

Throughout the tour, on-duty staff at all levels (medical, counseling, management, administration, custody, and non-custody) were interviewed regarding current practices.

A random sample of 30 central files was reviewed. Utilizing "point-in-time" methodology, files were evaluated against all administrative requirements pertaining to the documents contained in those files.

Review of Administrative Segregation and Due Process

Richard J. Donovan Correctional Facility at Rock Mountain

COMPLIANCE RATING BY SUBJECT AREA

SECTION REVIEWED	NO. OF ITEMS REVIEWED	NO. OF ITEMS NOT RATABLE	NO. IN COMPLIANCE	SECTION SCORE
Conditions of Segregated Housing	30	3	23	85%
Due Process	22	1	19	90%
Administration	10	0	7	70%

Review of Administrative Segregation and Due Process

Richard J. Donovan Correctional Facility at Rock Mountain

EXECUTIVE SUMMARY

During this formal review of compliance with State regulations and court-established standards regarding ASU operations and due process provisions at RJD, the Facility was found to be in compliance with 49 (84 percent) of the 58 ratable areas. Four areas were found to be not ratable during this review.

Areas of concern were found in the following areas:

- **Witnesses on the Administrative Segregation Unit Placement Notice (CDC 114-D).** Of the 30 records reviewed, 24 (80 percent) contained documentation regarding the need for witnesses. The remaining 6 records left this section blank.
- **Witnesses on the Classification Chrono (CDC 128-G).** Of the 30 records reviewed, 24 were not ratable as the need for witnesses was properly documented on the CDC 114-D. Of the 6 ratable records, 3 (50 percent) contained information on the CDC 128-G regarding the need for witnesses when this information was not otherwise properly documented on the CDC 114-D. The 3 remaining records did not contain this information on the CDC 128-G.
- **Signing Of Post Orders.** The review revealed that there are 74 identified staff assigned to 48 ASU posts. Of the 96 required signatures, 69 (72 percent) were present acknowledging the understanding of the post orders.
- **Post Order Staff.** The review revealed that unit supervisors do not consistently ensure that custodial staff assigned to the ASUs read and understand their post order upon assuming their post.
- **Training.** The review revealed that 60 custody staff have been assigned to the ASUs for one year or more. These 60 staff members are each required to have completed 11 specialized training classes. Of the 660 required classes, 495 (75 percent) have been taken.
- **Exercise.** The review revealed that the RJD ASUs provide controlled compatible, reintegrated mixed, and walk-alone yard group designations. The controlled compatible and reintegrated mixed yard group designations in Facility II, Building 6, are being offered 3 exercise periods per week for a total of 10 hours of outdoor

exercise. However, the walk-alone yard group designations are not consistently receiving the required 10 hours of outdoor exercise per week (approximately 2-4 hours per week). In addition, inmates housed in Facility II, Building 7, are only receiving approximately 5 hours of exercise per week and inmates housed in Building 8 are not being offered any outdoor exercise. Additionally, the toilet facilities in Building 6, A and B yards, are not functioning properly.

- **Rule Changes.** In Buildings 7 and 8, proposed changes, or changes to the Director's Rules, the DOM, ABs, and memorandums that affect the inmate population are not conspicuously posted in areas accessible to the inmate population
- **Inmate Daily Segregation Record (CDC 114-A1) 90-Day Update.** The review revealed that in a random sample of 30 CDC 114-A1s, 4 were not ratable as the inmate had not been on ASU status for a period of time long enough to require a 90-day update. Of the 26 ratable CDC 114-A1s reviewed, 19 (73 percent) were updated as appropriate. The 7 remaining CDC 114-A1s were not updated as required.
- **Fire Drills.** Documentation provided indicates that of the 24 required quarterly fire drills 16 (67 percent) were completed.

A complete description of these finding areas may be found in the narrative section of this report.

Review of Administrative Segregation and Due Process

Richard J. Donovan Correctional Facility at Rock Mountain

SUMMARY CHART (SYMBOL DEFINITIONS)

The following chart represents individual review findings in relation to the CCR, Title 15, DOM, PC, and ABs. In addition, applicable court-ordered minimum standards established under Toussaint v. Gomez are being used in this review as a benchmark for litigation avoidance.

Each of the items is rated as to whether or not the Institution is in compliance. The chart utilizes the following symbols to denote compliance ratings:

SYMBOL	DEFINITION
Compliance (C):	The requirement is being met.
Partial Compliance (P/C):	The institution is clearly attempting to meet the requirement, but significant discrepancies currently exist.
Non Compliance (N/C):	The institution is clearly not meeting the requirement.
Not Applicable (N/A):	Responsibility for compliance in this area is not within the authority of this institution.
Not Ratable (N/R):	No measurable instances.

At the end of the chart is a Comparative Statistical Summary Chart of Review Findings. This summary presents a mathematical breakdown of compliance by total items and percentages (%).

Review of Administrative Segregation and Due Process

Richard J. Donovan Correctional Facility at Rock Mountain

SUMMARY CHART

REVIEW STANDARD	REVIEW FINDING 9/06	REVIEW FINDING 9/08	PAGE NO.
I. CONDITIONS OF SEGREGATED HOUSING			
1. Living Conditions.	C	C	
a. Housekeeping and Maintenance.	C	C	
b. Vector Control.	C	C	
2. Restrictions.	C	C	
3. Clothing.	C	C	
4. Meals.	C	C	
5. Mail.	C	C	
6. Visits.	C	C	
7. Personal Cleanliness.			
a. Showering.	C	C	
b. Haircuts.	C	C	
c. Laundry Items.	C	C	
8. Exercise.	P/C	P/C	
9. Reading Material.	C	C	
10. Rule Changes.	P/C	P/C	

REVIEW STANDARD	REVIEW FINDING 9/06	REVIEW FINDING 9/08	PAGE NO.
11. Telephones.	C	C	
12. Institution Programs and Services.	C	C	
13. Visitation and Inspection.	C	C	
a. Medical Attention.	C	C	
14. Management Cells.			
a. Placement.	N/R	N/R	
b. Reporting.	N/R	N/R	
c. Transfer.	N/R	N/R	
15. Access to the Courts.	C	C	
16. Isolation Log Book (CDC 114).	C	C	
17. Inmate Daily Segregation Profile (CDC 114-A1).			
a. All significant information documented.	C	C	
b. CDC 114-A1 notes yard group designation.	C	C	
c. The CDC 114-A1 notes special information.	C	C	
d. The CDC 114-A1 is updated every 90 days.	C	P/C	
18. Safety.			
a. Fire Safety.	C	C	
b. Quarterly Fire Drills.	C	P/C	
c. Documentation.	C	C	

REVIEW STANDARD	REVIEW FINDING 9/06	REVIEW FINDING 9/08	PAGE NO.
II. DUE PROCESS			
1. Authority.	C	C	
2. Written Notice.	C	C	
3. Receipt of Administrative Segregation Unit Placement Notice (CDC 114-D).	C	C	
4. Confidential Material.	N/R	N/R	
5. Review.	C	C	
a. Staff Assistance.	C	C	
b. Witnesses.	C	P/C	
c. Inmate Waiver of Time Limitations.	C	C	
d. Hearing Time Constraints.	C	C	
e. Decision.	C	C	
6. Hearing Within 10 Days.	C	C	
a. Determinations documented on the Classification Chrono Form (CDC 128-G).	C	C	
b. Hearing Date.	C	C	
c. Inmate Presence.	C	C	
d. Hearing Officer.	C	C	
e. Staff Assistant (SA)/Investigative Employee (IE) on the CDC 128-G.	C	C	
f. Witnesses on the CDC 128-G.	N/R	N/C	
g. The CDC 128-G notes yard group designation.	C	C	

REVIEW STANDARD	REVIEW FINDING 9/06	REVIEW FINDING 9/08	PAGE NO.
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h. Cell Status.	C	C	
i. Participation.	C	C	
7. Classification Review.	C	C	
8. Classification Staff Representative (CSR) Review.	C	C	

III. ADMINISTRATION			
1. Training.	P/C	P/C	
2. Institution Classification Committee (ICC).	C	C	
3. Record of Disciplinary.	C	C	
4. Post Orders-Firearms.	C	C	
5. Post Order-Job Site.	C	C	
6. Signing of Post Orders.	C	P/C	
a. Post Orders-Staff.	C	P/C	
b. Supervisor Inspection.	C	C	
c. Post Order-Acknowledgment.	C	C	
7. Protective Vests.	C	C	

Review of Administrative Segregation and Due Process

Richard J. Donovan Correctional Facility at Rock Mountain

COMPARATIVE STATISTICAL SUMMARY CHART

SEPTEMBER 2006—SEPTEMBER 2008 FINDINGS

RATING	TOTAL 9/06	RATING % 9/06	TOTAL 9/08	RATING % 9/08
COMPLIANCE	63	95%	49	84%
PARTIAL COMPLIANCE	3	6%	8	14%
NONCOMPLIANCE	0	0%	1	2%
NOT RATABLE	4		4	
TOTAL	70	100%	62	100%

Review of Administrative Segregation and Due Process

Richard J. Donovan Correctional Facility at Rock Mountain

SUMMARY OF FACILITIES REVIEWED

RJD includes two ASUs and one overflow unit in this Level I, III, and Reception Center Facility. At the time of this review, the Facility was housing 337 ASU inmates.

For the purposes of the review, OAC toured the ASUs, reviewed unit records, and interviewed unit staff to determine the degree of compliance with established departmental policy, procedures, guidelines, and relevant court-established standards.

I

CONDITIONS OF SEGREGATED HOUSING

1. **Living Conditions.** In keeping with the special purpose of a segregated housing unit, and with the degree of security, control, and supervision required to serve that purpose, the physical facilities of special purpose segregated housing will approximate those of the general population.
(Authority cited: PC, Sections 2084, 5054, and 5058. Reference: CCR, Title 15, Sections 3343(a) and 3345; and DOM, Section 52080.33).

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that the physical facilities of RJD's ASUs approximate those of the general population.

- a. Housing units and all facilities therein will be properly maintained and regularly inspected to insure human decency and sanitation.
(Reference: CCR, Title 15, Section 3345).

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that inmates housed in RJD's ASUs are provided a clean, properly maintained cell that approximates those of general population inmates. Telephonic repair requests are made to Plant Operations when repairs are needed. General repairs are completed in a timely manner. Emergency work requests and health and safety issues are completed immediately.

- b. Control of vermin and pests will be maintained by a regular inspection by the institutional vector control.
(Authority cited: Toussaint vs. McCarthy. Reference: CCR, Title 15, Section 3345).

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that RJD's ASUs control vermin and pests by conducting regular inspections of the units. Regular inspections and pesticide applications provide for the control of vermin and pests. In the event of an infestation, the ASU Sergeants notify Plant Operations and the situation is responded to immediately.

2. **Restrictions.** Whenever an inmate in ASU is deprived of any usually authorized item or activity and the action and reason for that action is not otherwise

documented and available for review by administrative and other concerned staff, a report of the action will be made and forwarded to the unit administrator as soon as possible.

(Authority cited: PC, Section 5058. Reference: CCR, Title 15, Section 3343(b); and DOM, Section 52080.33.1).

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that unit staff utilize a Restriction of Program memorandum or an Information Chrono (CDC 128-B) to notify appropriate administrative staff as required.

3. **Clothing.** No inmate in ASU will be required to wear clothing that significantly differs from that worn by other inmates in the unit, except that temporary adjustments may be made in an inmates' clothing as is necessary for security reasons or to protect the inmate from self-inflicted harm. No inmate will be clothed in any manner intended to degrade the inmate.
(Authority cited: PC, Sections 2084 and 5058. Reference: CCR, Title 15, Section 3343(c); and DOM, Section 52080.33.2).

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff and inmates.

The review revealed no instances wherein inmates housed in the ASUs were required to wear clothing that significantly differed from that worn by other inmates in the unit; nor were inmates clothed in a manner intended to degrade or humiliate.

4. **Meals.** Inmates assigned to ASU, including special purpose segregated housing, will be fed the same meal and ration as is provided for inmates of the general population, except that a sandwich meal may be served for lunch. Deprivation of food will not be used as punishment.
(Authority cited: PC, Sections 2084 and 5058. Reference: CCR, Title 15, Section 3343(d); and DOM, Section 52080.33.3).

Findings

COMPLIANCE

OAC toured RJD's ASUs, reviewed unit documentation and interviewed unit staff and inmates.

The review revealed that inmates housed in the ASUs are receiving the same meals and rations as provided for the general population inmates. No examples of food deprivation were found in the unit. In Facility II, Buildings 6, 7 and 8, bulk food items are prepared in the kitchen and transported to the units in hot food carts. Meal trays are prepared by ASU staff and served to the inmate population. Meal sample reports and food temperature logs are being filled out and maintained by kitchen staff.

5. **Mail.** Inmates assigned to ASU, including special purpose segregated housing, will not be restricted in their sending and receiving of personal mail, except that incoming packages may be limited in number, and in content, to that property permitted in the segregated unit to which an inmate is assigned.
(Authority cited: PC, Section 5058. Reference: CCR, Title 15, Sections 3138 and 3343(e); and DOM, Section 52080.33.4).

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that inmates housed in the ASUs are not restricted from either sending or receiving personal mail, except those restrictions as defined in the CCR.

6. **Visits.** Inmates assigned to segregated housing, except for inmates assigned to security housing unit (SHU), in accordance with Section 3341.5, shall be permitted to visit under the same conditions as are permitted inmates of the general population. Inmates assigned to SHUs shall be prohibited from physical contact with visitors.
(Authority cited: PC, Section 5058. Reference: CCR, Title 15, Section 3343(f); and DOM, Section 52080.33.5).

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that all ASU inmates are restricted to non-contact visits and the visiting process is in accordance with current departmental and institutional policy and procedures.

7. **Personal Cleanliness.** Inmates assigned to ASU, including special purpose segregated housing, will be provided the means to keep themselves clean and well groomed.
(Authority cited: PC, Section 5058. Reference: CCR, Title 15, Section 3343(g); and DOM, Section 52080.33.6).

- a. Showering and shaving will be permitted at least three times a week.

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that showers are available in the ASUs. ASU inmates are provided the opportunity to shower three times per week as required. Razors for shaving are provided during shower periods.

- b. Haircuts will be provided as needed.

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that inmate barbering equipment is available in Buildings 6, 7, and 8 for use in the unit holding cells.

- c. Clothing, bed linen, and other laundry items will be issued and exchanged no less often than is provided for general population inmates.

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that clothing, bed linen, and other laundry items are routinely issued upon reception in the ASUs. These laundry items are exchanged on the same basis as the general population.

- 8. **Exercise.** Inmates assigned to special purpose segregation housing will be permitted a minimum of one hour per day, five days a week, of exercise outside their rooms or cells unless security and safety considerations preclude such activity. When special purpose segregated housing units are equipped with their own recreation yard, the yard periods may substitute for other out of cell exercise periods, providing the opportunity for use of the yard is available at least three days per week for a total of not less than ten hours a week.
(Authority cited: PC, Section 5058. Reference: CCR, Title 15, Section 3343(h)).

Findings

PARTIAL COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that the RJD ASUs provide controlled compatible, reintegrated mixed, and walk-alone yard group designations. The controlled compatible and reintegrated mixed yard group designations in Facility II, Building 6, are being offered 3 exercise periods per week for a total of 10 hours of outdoor exercise. However, the walk-alone yard group designations are not consistently receiving the required 10 hours of outdoor exercise per week (approximately 2-4 hours per week). In addition, inmates housed in Facility II, Building 7, are only receiving approximately 5 hours of exercise per week and inmates housed in Building 8 are not being offered any outdoor exercise. Additionally, the toilet facilities in Building 6, A and B yards, are not functioning properly.

9. **Reading Material.** Inmates assigned to ASU, including special purpose segregated housing, will be permitted to obtain and possess the same publications, books, magazines, and newspapers, as are inmates of the general population, except that the quantity may be limited for safety and security reasons. Library services will be provided and will represent a cross-section of material available to the general population.
(Authority cited: PC, Section 5058. Reference: CCR, Title 15, Section 3343(i)).

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that ASU inmates housed in Facility II, Buildings 6, 7, and 8 are provided library books on Sunday. The books are requested from the unit officers who distribute the reading material on Second and Third Watches upon request.

10. **Rule Changes.** The Notice of Change to the CCR shall be posted and made available to all inmates and staff. Notices shall be posted in inmate housing unit, corridors, and other areas easily accessible to inmates, and provided to inmate lock-up unit. The Classification and Parole Representative shall ensure that the inmate population has knowledge of the Board of Prison Terms/Narcotic Addiction Evaluation Authority Rules and of amendments.
(Authority cited: PC, Sections 2080 and 5058(a). Reference: DOM, Sections 12010.5.8 and 12010.8).

Findings

PARTIAL COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that proposed changes, or changes to the Director's Rules, the DOM, ABs, and memorandums that affect the inmate population are posted in areas accessible to the inmate population in Building 6. However, in Buildings 7 and 8, the postings are not conspicuously posted.

11. **Telephones.** Institutions will establish procedures for the making of outside telephone calls by inmates in ASU. Such procedures will approximate those for the work/training incentive group to which the inmate is assigned, except that individual calls must be approved by the supervisor in charge or the administrator of the unit before a call is made.
(Authority cited: PC, Section 5058. Reference: CCR, Title 15, Section 3343(j)).

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that RJD provides ASU inmates telephone usage pursuant to CCR, Title 15, Section 3343(j). This includes emergency usage only.

12. **Institution Programs and Services.** Inmates assigned to segregated housing unit will be permitted to participate and have access to such programs and services as can be reasonably provided within the unit without endangering the security or the safety of persons. Such programs and services will include, but are not limited to: education, commissary, library services, social services, counseling, religious guidance and recreation.
(Authority cited: PC, Section 5058. Reference: CCR, Title 15, Section 3343(k)).

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that RJD provides programs to include commissary, library services, recreation and spiritual counseling. In addition, religious publications are provided upon request.

13. **Visitation and Inspection.** Inmates assigned to ASU, including special purpose segregated units, will be seen daily by the custodial supervisor in charge of the unit and by a physician, registered nurse, or medical technical assistant and, by request, members of the program staff. A timely response should be given to such requests wherever reasonably possible.
(Authority cited: PC, Section 5058. Reference: CCR, Title 15, Section 3343(l)).

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that a custody supervisor is assigned to the ASUs on both Second and Third Watches. In addition, management staff are available for interviews prior to ICC hearings and CDC 114-D segregation placement administrative reviews. The Facility Sergeants tour the units during First Watch to ensure any emergency is properly addressed. Medical and psychiatric staff are assigned to the units on Second and Third Watches passing out medication, collecting sick call slips, and screening for medical and mental health needs in Facility II, Buildings 6, 7, and 8. Medical and psychiatric staff tour the unit in Facility II. During First Watch, medical and psychiatric staff are available to respond to emergencies from the Central Infirmary upon request by unit staff.

- a. The custodial officer in charge of a disciplinary detention unit, segregation unit, or SHU, where inmates are segregated for disciplinary or administrative purposes, will ensure that inmates needing medical attention receive it promptly.
(Authority cited: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Section 3345).

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that unit custody staff notify medical staff in the event of any medical situation or emergency. The general medical treatment line in Facility II, Buildings 6, 7, and 8 are conducted Monday through Thursdays.

14. **Management Cells.** Inmates assigned to segregated housing, who persist in disruptive, destructive, and dangerous behavior and will not heed or respond to orders and warnings to desist, are subject to placement in a management cell, as provided in CCR, Title 15, Section 3332(f).
(Authority cited: PC, Sections 2601(d), 5054, and 5058. Reference: CCR, Title 15, Section 3343(m).
- a. An inmate who persists in unduly disruptive, restrictive, or dangerous behavior and who will not heed or respond to orders and warnings to

desist from such activity, may be placed in a management cell on an order of the unit's administrator or, in his or her absence, an order of the watch commander.

Findings

NOT RATABL

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that RJD does not utilize management cells.

- b. In addition to any necessary incident or disciplinary reports, the matter will be reported to the Warden, Superintendent, Chief Disciplinary Officer, or Administrative Officer of the Day (AOD), one of whom will review management cell resident status daily.

Findings

NOT RATABL

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that RJD does not utilize management cells.

- c. An inmate, who requires management cell placement for longer than 24 hours, will be considered for transfer to a psychiatric management unit or other housing appropriate to the inmate's disturbed state.
(Reference: CCR, Title 15, Section 3332(f); and DOM, Section 52080.22.4).

Findings

NOT RATABL

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff and inmates.

The review revealed that RJD does not utilize management cells.

15. **Access to the Courts.** Inmates confined in ASU for any reason will not be limited in their access to the courts. If an inmate's housing restricts him or her from going to the inmate law library, arrangements will be made to deliver requested and available library material to the inmate's quarters.
(Authority cited: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Sections 3164(a) and (d); DOM, Section 53060.10; and Toussaint v. Gomez).

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff and inmates.

The review revealed Facility II, Buildings 6, 7, and 8 provide both paging and direct access to a law library. Inmates submit written requests for law library services. These requests are delivered to the law library by a Correctional Officer where they are processed and access times for inmates requesting service are established. The preferred legal users and inmates with court deadlines receive priority access.

16. **ASU Log.** CDC 114 will be maintained in each ASU, including special purpose segregated units. One CDC 114 may serve two or more special purpose units which are administered and supervised by the same staff members.
(Authority cited: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Section 3344(a); and DOM, Section 52080.22.5).

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff.

The review revealed that a CDC 114 is maintained within the ASUs. All entries are appropriately recorded in accordance with departmental policy and procedures.

17. **Inmate Daily Segregation Record (CDC 114-A)** A separate record will be maintained for each inmate assigned to ASU, including special purpose segregated units. This record will be compiled on the CDC 114-A and the CDC 114-A1.

(Authority cited: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Section 3344(b); DOM, Section 52080.22.5; and IB 98/27).

- a. All significant information relating to the inmate during the course of segregation, from reception to release, will be entered on the CDC 114-A in chronological order.

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff.

The review revealed that a CDC 114-A is maintained for each inmate assigned to the ASUs. Each (100 percent) of the 30 CDC 114-As reviewed were found to contain significant information, in chronological order, relating to the inmate during the course of segregation.

- b. The CDC 114-A1 documents the inmate's current yard group designation.

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff.

The review team reviewed a random sample of 30 CDC 114-A1s. Of the 30 CDC 114-A1s reviewed, 2 were not ratable as the inmate had not yet attended ICC. Of the 28 ratable CDC 114-A1s reviewed, 27 (96 percent) documented the inmate's current yard group designation.

- c. The CDC 114-A1 documents the inmate's special information.

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff.

Each (100 percent) of the 30 CDC 114-A1s reviewed documented the inmate's special information.

- d. The CDC 114-A1 will be maintained in the segregation log and be updated as new information is obtained. The Segregation Officer shall begin a new CDC 114-A1 at least every 90 days or at anytime this form becomes difficult to read.

Findings

PARTIAL COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff.

The review revealed that in a random sample of 30 CDC 114-A1s, 4 were not ratable as the inmate had not been on ASU status for a period of time long enough to require a 90-day update. Of the 26 ratable CDC 114-A1s reviewed, 19 (73 percent) were updated as appropriate. The 7 remaining CDC 114-A1s were not updated as required.

18. **Safety.** Each Warden and Superintendent must have in effect, at all times, a plan approved by the Director for meeting emergencies delineated and required by the California Emergency Services Act of 1970.
(Authority cited: PC, Sections 5454 and 5458. Reference: CCR, Title 15, Sections 3302(b)(4) and 3303(a)(4); and DOM, Sections 52090.1, 2, 5, 6.1, 7, and 52090.19).
- a. Institution heads shall maintain procedures for fire prevention and suppression. Fire protection practices and departmental policy mandate that all employees be instructed and trained concerning their duties and responsibilities should it become necessary to conduct an emergency evacuation for any fire or life threatening condition.
(Reference: CCR, Title 15, Section 3303(a); and DOM, Section 2090.19).

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff.

The review revealed that RJD's ASUs maintain a policy regarding fire protection and training.

- b. Staff and inmates shall be familiar with fire evacuation routes, exits, and procedures. An evacuation drill shall be conducted quarterly on each watch. Where such drills would jeopardize personal safety or Facility security, staff shall conduct a walk-through of the procedure. Such walk-through drills shall be monitored by the area supervisor to ascertain that actual evacuation could be accomplished as required.
(Reference: CCR, Title 15, Section 3303(a); and DOM, Section 52090.19).

Findings

PARTIAL COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff.

The review revealed that staff are trained with emergency evacuation plan procedures and evacuation routes are conspicuously posted within the units. Documentation provided indicates that of the 24 required quarterly fire drills, 16 (67 percent) were completed.

- c. At the conclusion of fire drills, the area supervisor shall complete a Fire Drill Report (DS 5003) indicating the necessary information and forward a copy to the Fire Chief.
(Reference: CCR, Title 15, Section 3303(a)(4); and DOM, Section 52090.19.)

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff.

The review revealed that when quarterly simulated emergency fire drills are conducted, DS 5003s are being completed and forwarded to the Fire Chief as required.

II

DUE PROCESS

Procedural safeguards are essential for effective transfers of prisoners from the general prison population to a maximum security unit in order to segregate such prisoners for administrative reasons or purposes.

1. **Authority.** Authority to order an inmate to be placed in ASU, before such action is considered and ordered by a classification hearing, may not be delegated below the staff level of Correctional Lieutenant, except when a lower level staff member is the highest ranking official on duty.
(Authority cited: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Section 3336; and DOM, Section 52080.25).

Findings

COMPLIANCE

OAC examined 30 central files of inmates housed in RJD's ASUs.

Each (100 percent) of the 30 records reviewed contained documentation on the CDC 114-D to confirm the level of the official ordering segregation placement was at the Correctional Lieutenant level or higher.

2. **Written Notice.** The reason for ordering an inmate's placement in ASU will be clearly documented on a CDC 114-D by the official ordering the action at the time the action is taken.
(Authority cited: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Section 3336(a); DOM, Section 52080.25; and IB 98/27).

Findings

COMPLIANCE

OAC examined 30 central files of inmates housed in RJD's ASUs.

Each (100 percent) of the 30 records reviewed clearly documented the date and reason(s) for ASU placement.

3. **Receipt of CDC 114-D.** A copy of the CDC 114-D with the "order" portion of the form completed, will, if practical, be given to the inmate prior to placement in ASU, but not later than 48 hours after such placement.
(Authority: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Sections 3336(d) and 3339(b)(1); and DOM, Section 52080.25).

Findings

COMPLIANCE

OAC examined 30 central files of inmates housed in RJD's ASUs.

Each (100 percent) of the 30 records reviewed contained documentation that indicated the inmates were given a copy of the CDC 114-D within 48 hours of placement.

4. **Confidential Material.** Documentation given the inmate concerning information from a confidential source shall include an evaluation of the source's reliability, a brief statement of the reason for the conclusion reached, and a statement of the reason why the information or source is not disclosed.
(Authority: PC, Sections 2081.5, 2600, 2601, 5054, and 5058. Reference: CCR, Title 15, Section 3321(b)(2); and DOM, Sections 52080.27.4 and 61020.9).

Findings

NOT RATABLE

OAC examined 30 central files of inmates housed in RJD's ASUs.

None of the 30 records reviewed were ratable as the reasons for ASU placement were not based on confidential information.

5. **Review.** On the first work day following an inmate's placement in ASU, designated staff at not less than the level of Correctional Captain will review the order portion of the CDC 114-D. If retention in ASU is approved at this review, the following determinations will be made at this level.
(Authority cited: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Section 3337).

Findings

COMPLIANCE

OAC examined 30 central files of inmates housed in RJD's ASUs.

Of the 30 records reviewed, 28 (95 percent) contained documentation of a placement review by a Captain within the first working day following the inmate's placement in ASU. The 2 remaining records documented a late countersignature (1 day) by an Associate Warden or higher level when the administrative review was conducted by an acting Captain.

- a. Determine the appropriate assignment of Staff Assistance.
(Reference: CCR, Title 15, Section 3337(a)).

Findings

COMPLIANCE

OAC examined 30 central files of inmates housed in RJD's ASUs.

Of the 30 records reviewed, 27 (90 percent) contained documentation of a determination for the assignment of an SA/IE. The 3 remaining records did not properly complete this section.

- b. Determine the inmate's desire to call witnesses or submit other documentary evidence. If the inmate requests the presence of witnesses or submission of documentary evidence at the classification hearing on the reason or need for retention in segregated housing, an IE will be assigned to the case. A request to call witnesses must be submitted in writing by the inmate.
(Reference: CCR, Title 15, Section 3337(b)).

Findings

PARTIAL COMPLIANCE

OAC examined 30 central files of inmates housed in RJD's ASUs.

Of the 30 records reviewed, 24 (80 percent) contained documentation regarding the need for witnesses. The 6 remaining records left this section blank.

- c. Determine if the inmate has waived the 72-hour time limit in which a classification hearing can not be held, as indicated on the CDC 114-D, or the inmate desires additional time to prepare for a classification hearing.
(Reference: CCR, Title 15, Section 3337(c)).

Findings

COMPLIANCE

OAC examined 30 central files of inmates housed in RJD's ASUs.

Each (100 percent) of the 30 records reviewed contained documentation that the inmate made a determination regarding the 72-hour time limit or had refused to sign the waiver section.

- d. Determine the most appropriate date and time for a classification hearing based upon the determination arrived at under Section 3337(a), (b), and (c), and the time limitations prescribed in CCR, Title 15, Section 3338.
(Reference: CCR, Title 15, Section 3337 (d)).

Findings

COMPLIANCE

OAC examined 30 central files of inmates housed in RJD's ASUs.

Each (100 percent) of the 30 records reviewed contained documentation that the hearing time frames were appropriate based on the inmate's request.

- e. Decision to retain in ASU or release to unit/facility.

Findings

COMPLIANCE

OAC examined 30 central files of inmates housed in RJD's ASUs.

Each (100 percent) of the 30 records reviewed contained documentation that a decision was made to retain or release the inmate based on the administrative review.

6. **Classification Hearing.** An inmate's placement in temporary segregation shall be reviewed by the ICC within 10 days of receipt in the unit.
(Authority cited: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Sections 3335(c), 3338(a), (b), (c), (d), (g), (h), (i), 3375, and 3339 (b) (2); and DOM, Sections 52080.27.4, and 62010.9.1).

Findings

COMPLIANCE

OAC examined 30 central files of inmates housed in RJD's ASUs.

Each (100 percent) of the 30 records reviewed contained documentation of an ICC review within 10 days of an inmate's placement in ASU.

- a. The determinations arrived at in the classification hearing will be documented on the CDC 128-G. Such documentation will include an explanation of the reason and the information and evidence relied upon for the action taken. The inmate will also be given copies of all completed forms and of all other documents relied upon in the hearing, except those containing confidential information.
(Authority cited: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Sections 3338(i), 3375(g), and (h); and DOM, Sections 52080.27.4 and 62010.9.1).

Findings

COMPLIANCE

OAC examined 30 central files of inmates housed in RJD's ASUs.

Each (100 percent) of the 30 records reviewed contained documentation of the determinations arrived at during ICC on the CDC 128-G.

- b. Was the hearing date recorded on the CDC 128-G?
(Reference: CCR, Title 15, Section 3375(g)(9); and DOM, Section 62010.9.1).

Findings

COMPLIANCE

OAC examined 30 central files of inmates housed in RJD's ASUs.

Each (100 percent) of the 30 records reviewed recorded the hearing date on the CDC 128-G.

- c. Was the inmate's presence at the hearing documented on the CDC 128-G?
(Reference: CCR, Title 15, Sections 3338(c) and 3375(g)(5); and DOM, Section 52080.27).

Findings

COMPLIANCE

OAC examined 30 central files of inmates housed in RJD's ASUs.

Each (100 percent) of the 30 records reviewed documented the inmate's presence on the CDC 128-G.

- d. Were the Hearing Officers identified on the CDC 128-G?
(Reference: CCR, Title 15, Sections 3375(g)(6-8); DOM, Section 62010.9.1).

Findings

COMPLIANCE

OAC examined 30 central files of inmates housed in RJD's ASUs.

Each (100 percent) of the 30 records reviewed documented and identified the hearing officers on the CDC 128-G.

- e. If appropriate, were the SA and the IE identified in the CDC 128-G?
(Reference: CCR, Title 15, Section 3338(c)(i); and DOM, Section 62010.9.1).

Findings

COMPLIANCE

OAC examined 30 central files of inmates housed in RJD's ASUs.

Of the 30 records reviewed, 27 were not ratable as the need for an SA/IE was properly documented on the CDC 114-D. Each (100 percent) of the three ratable records contained information on the CDC 128-G regarding the need for a SA/IE, when this information was not otherwise properly documented on the CDC 114-D.

- f. If appropriate, was the witness portion addressed in the CDC 128-G?
(Reference: CCR, Title 15, Sections 3338(h) and (i); and DOM, Sections 52080.27.3-4).

Findings

NONCOMPLIANCE

OAC examined 30 central files of inmates housed in RJD's ASUs.

Of the 30 records reviewed, 24 were not ratable as the need for witnesses was properly documented on the CDC 114-D. Of the 6 ratable records, 3 (50 percent) contained information on the CDC 128-G, regarding the need for witnesses when this information was not properly documented on the CDC 114-D. The 3 remaining records did not contain this information on the CDC 128-G.

- g. The completed CDC 128-G contains the yard group designation arrived at during the classification hearing.
(Reference: CCR, Title 15, Section 3338(i); DOM, Section 52080.27.4; and IB 98/27.)

Findings

COMPLIANCE

OAC examined 30 central files of inmates housed in RJD's ASUs.

Each (100 percent) of the 30 records reviewed documented the yard group designation arrived at during the classification hearing on the CDC 128-G.

- h. The completed CDC 128-G documents the inmate's current cell status (single or double celled).
(Reference: CCR, Title 15, Section 3338(i); DOM, Section 52080.27.4; and IB 97/27).

Findings

COMPLIANCE

OAC examined 30 central files of inmates housed in RJD's ASUs.

Each (100 percent) of the 30 records reviewed documented the inmate's current cell status on the CDC 128-G.

- i. The completed CDC 128-G documents the inmate's participation during committee and their agreement or disagreement with the ICC's action.
(Reference: CCR, Title 15, Sections 3338(i) and 3375(f)(2-6); and DOM, Section 52080.27.4).

Findings

COMPLIANCE

OAC examined 30 central files of inmates housed in RJD's ASUs.

Each (100 percent) of the 30 records reviewed documented the inmate's participation during committee on the CDC 128-G.

1. **Classification Review.** Instead of ICC reviewing each inmate's case every 30 days, inmates in ASU for non-disciplinary reasons shall require routine review no more frequently than every 90 days, or when scheduled by staff for specific action. Inmates segregated for disciplinary reasons shall be reviewed by ICC at least every 180 days, or when scheduled by staff for specific action.
(Authority cited: Larry Witek Memorandum of Interim Action dated November 20, 2001, ASU Classification Review).

Findings

COMPLIANCE

OAC examined 30 central files of inmates housed in RJD's ASUs.

Each (100 percent) of the 30 records reviewed contained documentation of an ICC review as appropriate.

2. **The CSR Review.** All inmates retained in ASU at their ten-day ASU hearing shall be referred to the CSR for retention authorization at that initial review.
(Authority cited: Larry Witek Memorandum of Interim Action dated November 20, 2001, ASU Classification Review.)

Findings

COMPLIANCE

OAC examined 30 central files of inmates housed in RJD's ASUs.

Each (100 percent) of the 30 records reviewed were referred to the CSR for review as appropriate.

III

ADMINISTRATION

1. **Training.** All staff working in specialized units are to receive specialized training centering around that unit's operation and program.
(Authority cited: PC, Sections 830.5, 832, 5054, 5058, 13600, and 13601. Reference: DOM, Section 32010.14.5.)

Findings

PARTIAL COMPLIANCE

OAC interviewed In-Service Training staff and examined the training records of all ASU staff assigned to the unit for one year or more.

The review revealed that 60 custody staff have been assigned to the ASUs for one year or more. These 60 staff members are each required to have completed 11 specialized training classes. Of the 660 required classes, 495 (75 percent) have been taken.

2. **Institution Classification Committee.** The ICC shall consist of:

- Warden or Regional Parole Administrator, or Deputy Warden or Assistant Regional Parole Administrator (chairperson);
- Correctional Administrator or Parole Administrator III (alternate Chairperson);
- Psychiatrist or Physician;
- Facility Captain;
- Correctional Captain;
- CC III or Parole Agent III, or CC II or Parole Agent II (Committee Recorder);
- Assignment Lieutenant;
- Educational or Vocational Program Representative; and
- Other Staff as required.

(Authority cited: PC, Sections 5054 and 5058. Reference: CCR, Title 15, Section 3376(c)(2); and DOM, Section 62010.8.2).

Findings

COMPLIANCE

OAC examined 30 central files, reviewed CDC 128-Gs and observed ICC.

The review revealed that the composition of ICC was in compliance with this standard.

3. **Record of Disciplinary.** All institutions will maintain a Register of Institution Violations. A Register of Institution Violations is a compilation of one completed copy of each rule violation report issued at a facility, maintained in chronological order.

(Authority cited: PC, Sections 2081, 5054, and 5058. Reference: CCR, Title 15, Sections 3326(a)(1-2); and DOM, Section 52080.15.1).

Findings

COMPLIANCE

OAC interviewed appropriate staff and examined the Disciplinary Log and Register of Institutional Violations.

The review revealed that the Institution maintains two Registers of Institutional Violations that meet the basic requirements of DOM. A tracking system is used to follow each disciplinary log number and adjudicated Rules Violation Report.

4. **Post Order-Firearms.** Detailed instructions regarding the use of firearms shall be contained in the post orders of armed posts and shall be issued to staff that may regularly be required to use firearms in the course of their duties.
(Authority cited: PC, Sections 830, 832.5, 5054, and 5058. Reference: DOM, Section 55050.4).

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff.

The review revealed that there are 7 identified gun posts (6 Control Booths and 1 yard gun) that require use of force policies be addressed as part of the post orders. Each (100 percent) of the 7 posts directed the staff member to read, understand, and become familiar with the departmental Use of Force Policy.

5. **Post Order-Job Site.** A copy of the post order shall be provided for every post and a copy shall be physically located at each job site.
(Authority cited: PC, Sections 5054 and 5058. Reference: DOM, Section 51040.6).

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff.

The review revealed that a current copy of the post order is provided at the job site for each (100 percent) of the 48 ASU posts.

6. Employees under post orders are required to sign and date the Post Order Acknowledgment Form (CDC 1860), verifying their understanding of the duties and responsibilities of the post. This shall be completed when the employee is assigned to the post, when the post order has been revised, or upon returning from an extended absence.

Findings

PARTIAL COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff.

The review revealed there are 74 identified staff who are assigned to 48 ASU posts. Of the 96 required signatures, 69 (72 percent) were present acknowledging the understanding of the post orders.

- a. **Post Order-Staff.** Supervisors, by authority of the Correctional Captain or area Manager, shall ensure that employees read and understand their post orders upon assuming their post.
(Authority cited: PC, Sections 5054 and 5058. Reference: DOM, Section 51040.6.1).

Findings

PARTIAL COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff.

The review revealed that unit supervisors do not consistently ensure that custodial staff assigned to the ASUs read and understand their post order upon assuming their post.

- b. At a minimum of once each month, supervisors shall inspect the post orders and sign the CDC 1860. Any torn or missing pages noted shall be replaced as soon as practical.

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff.

The review revealed that the custodial supervisors assigned to the ASUs inspect the CDC 1860 on a monthly basis.

- c. A CDC 1860 shall be attached to each post order and shall be utilized to verify that the assigned staff member has read and understood the post orders for their post. CDC 1860s shall be kept for a period of one year from the date of last entry unless deemed evidentiary (then retained until no longer needed).
(Authority cited: PC, Sections 5054 and 5058. Reference DOM, Section 51040.6.2).

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff.

The review revealed that RJD utilizes a CDC 1860 to allow the staff member to verify, by signature, that they have read and understand the order for the post and this is then countersigned by the supervisor. Each (100 percent) of the 48 post orders contained the current CDC 1860.

Protective Vests. All CDCR employees, regardless of personnel classification, entering a Security Housing Unit, Special Management Program, ASU, Temporary Detention Unit, Condemned Housing Unit, Psychiatric Services Unit, or Special Behavioral Treatment Program, shall wear a Stab Resistant Vest when the employee is:

- In direct contact with inmates/wards/patients within the aforementioned units (unrestrained or restrained).
- Escorting inmates/wards/patients housed within the aforementioned units anywhere on institution grounds.
- On the aforementioned unit tiers.

(Authority cited: DOM, Section 33020.16.2)

Findings

COMPLIANCE

OAC toured RJD's ASUs, examined unit documentation, and interviewed unit staff.

The review revealed that all required staff wear a protective vest while in the ASU.

Review of Administrative Segregation and Due Process

Richard J. Donovan Correctional Facility at Rock Mountain

GLOSSARY

AB	Administrative Bulletin
ASU	Administrative Segregation
AOD	Administrative Officer of the Day
ASU	Administrative Segregation Unit
CC	Correctional Counselor
CCR	California Code of Regulations
CDCR	California Department of Corrections and Rehabilitation
CDC 114	Isolation Log Book
CDC 114-A	Inmate Daily Segregation Record
CDC 114-A1	Inmate Segregation Profile
CDC 114-D	Administrative Segregation Unit Placement Notice
CDC 128-G	Classification Chrono Form
CDC 1860	Post Order Acknowledgment Sheet
CSR	Classification Staff Representative
DOM	Department Operations Manual
DS 5003	Fire Drill Report
IB	Informational Bulletin
ICC	Institution Classification Committee
IE	Investigative Employee
OAC	Risk Management Division
OC	Oleoresin Capsicum
PC	California Penal Code
RJD	Richard J. Donovan Correctional Facility at Rock Mountain
OAC	Risk Management Division
SA	Staff Assistant
SHU	Security Housing Unit

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

OFFICE OF AUDITS AND COMPLIANCE

REPORT OF FINDINGS AND RECOMMENDATIONS

BUSINESS SERVICES

RICHARD J. DONOVAN
CORRECTIONAL FACILITY AT ROCK MOUNTAIN

SEPTEMBER 29 THROUGH OCTOBER 10, 2008

PRELIMINARY

CONDUCTED BY
THE AUDITS BRANCH



TABLE OF CONTENTS

<u>SUBJECT</u>	<u>PAGE</u>
Introduction	I
Audit Scope	II
Symptoms of Control Deficiencies	III
Corrective Action Plan	IV
Executive Summary	V
Findings and Recommendations	
I. Administrative Concerns.....	1
II. Health and Safety	2
III. Internal Control	8
IV. Late Detection and Additional Workload.....	9
V. Policies and Procedures	17
VI. Penalties and Fines	18
Glossary	19
Attachment A – Sample Corrective Action Plan	
Attachment B – Hazard Communication Program – Table of Deficiencies and Location	

**OFFICE OF AUDITS AND COMPLIANCE
AUDITS BRANCH**

Richard J. Donovan Correctional Facility at Rock Mountain

INTRODUCTION

The California Department of Corrections and Rehabilitation's (CDCR), Office of Audits and Compliance (OAC), Audits Branch, conducted an audit of Business Services at Richard J. Donovan Correctional Facility at Rock Mountain (RJD). The purpose of the audit was to analyze and evaluate the level of compliance with State and departmental policies, procedures, rules, regulations, operational objectives, and guidelines. The following areas were audited:

- Personnel Transactions;
- Classification and Pay;
- Payroll/Accounting;
- Position Control;
- Procurement;
- Materials Management (i.e., Warehousing);
- Plant Operations;
- Food Services;
- Inmate Trust Accounting;
- Environmental Health and Safety; and
- Occupational Health and Safety.

The fieldwork was performed during the period of September 29 through October 10, 2008. The exit conference was held on October 9, 2008, with the Warden and on October 10, 2008, with the Chief Deputy Warden, Associate Warden, Business Services, and Department Heads.

René Francis, Certified Government Financial Manager, supervised the audit. Management Auditors Annette Sierra, Deborah Brannon, Michael Robinson, Naomi Banks, and Saihra Posas conducted the audit. In addition, Shirley Cowley, Hazardous Materials Specialist, California Rehabilitation Center, provided subject matter expertise. Patricia Weatherspoon, Senior Management Auditor provided second line supervision and review. Richard C. Krupp, Assistant Secretary of the OAC, provided executive management oversight.

The audit consisted of an entrance conference, review of prior reports, test of transactions, interviews, observations, periodic management briefings, an exit conference, and issuance of the preliminary audit report.

**OFFICE OF AUDITS AND COMPLIANCE
AUDITS BRANCH**

Richard J. Donovan Correctional Facility at Rock Mountain

AUDIT SCOPE

The scope of the audit encompasses the examination and evaluation of the adequacy and effectiveness of RJD's system of management control and compliance to applicable policies, procedures, rules, and regulations. The audit period may include prior fiscal years if deemed necessary. The control objectives include, but are not limited to the following:

- State assets are safeguarded from unauthorized use or disposition;
- Transactions are executed in accordance to management's authorizations;
- Transactions are executed in accordance with applicable rules and regulations;
- Transactions are recorded correctly to permit the preparation of financial and management reports; and
- Programs are working efficiently and effectively.

In order to determine the adequacy of the control systems and level of compliance with State, federal, and departmental fiscal procedures, the Audits Branch performed the following audit procedures:

- Examined evidence on a test basis supporting management's assertions;
- Performed detailed analyses of documentation and transactions;
- Interviewed Facility staff;
- Made inspections and observations;
- Performed group discussions of the overall impact of deficiencies; and
- Discussed deficiencies with supervisors and management throughout the audit process.

SYMPTOMS OF CONTROL DEFICIENCIES

Experience has indicated that the existence of one or more of the following danger signals will usually be indicative of a poorly maintained or vulnerable control system. These symptoms may apply to the organization as a whole or to individual units or activities. Department heads and managers should identify and make the necessary corrections when warned by any of the danger signals listed below:

- Policy and procedural or operational manuals are either not currently maintained or are nonexistent;
- Lines of organizational authority and responsibility are not clearly articulated or are nonexistent;
- Financial and operational reporting is not timely and is not used as an effective management tool;
- Line supervisors ignore or do not adequately monitor control compliance;
- No procedures are established to assure that controls in all areas of operation are evaluated on a reasonable and timely basis;
- Internal control weaknesses detected are not acted upon in a timely fashion; and
- Controls and/or control evaluations bear little relationship to organizational exposure to risk of loss or resources.

**OFFICE OF AUDITS AND COMPLIANCE
AUDITS BRANCH**

Richard J. Donovan Correctional Facility at Rock Mountain

CORRECTIVE ACTION PLAN

RJD's corrective action plan (CAP) is due within 30 days of receipt of the preliminary audit report. See Attachment A for a sample of the format.

The CAP is designed to document the institution's plan to fully resolve the audit findings. It includes a brief description of the audit finding, the classification of the personnel directly responsible for resolving the finding(s), their telephone number and/or extension, a brief description of the proposed action and the anticipated date of completion.

Please e-mail your completed CAP to Alberto.Caton@cdcr.ca.gov and Rose.Mitjans@cdcr.ca.gov. Send the original to Alberto Caton, OAC, P.O. Box 942883, Sacramento, CA 95811-7243.

If you need additional time to prepare your CAP, please contact Alberto Caton, Correctional Administrator at (916) 255-2717.

**OFFICE OF AUDITS AND COMPLIANCE
AUDITS BRANCH**

Richard J. Donovan Correctional Facility at Rock Mountain

EXECUTIVE SUMMARY

The Audits Branch conducted an audit of the Business Services at RJD during the period of September 29 through October 10, 2008. The purpose of the audit was to determine the level of compliance with State, federal, and departmental rules, regulations, policies, and procedures. Prior to this audit, the Audits Branch conducted an audit of RJD's business services from February 14 through March 10, 2006. Unresolved findings are identified in this report as "Prior Finding."

An exit conference was held on October 9, 2008, with the Warden and on October 10, 2008, with the Chief Deputy Warden and Business Services. The Audits Branch requested that RJD provide a CAP within 30 days after receipt of the preliminary audit report.

Areas audited:

- Personnel Transactions;
- Classification and Pay;
- Food Services;
- Payroll/Accounting;
- Position Control;
- Procurement;
- Materials Management (i.e., Support Warehouses and Property);
- Plant Operations;
- Inmate Trust Accounting;
- Environmental Health and Safety; and
- Occupational Health and Safety.

Twenty-eight findings are identified in the preliminary audit report, categorized under the following topics:

Category	Number of Findings	Page Number
Administrative Concerns	2	1
Health and Safety	9	2
Internal Control	2	8
Late Detection and Additional Workload	12	9
Policies and Procedures	2	17
Penalties and Fines	1	18
Total	28	

The executive summary provides the category, a brief description of the finding, criteria, impact, and prior finding, if applicable.

It should be noted that turnover in the area of Business Services over the past 12 months is as follows: Personnel (59 percent), Procurement (54 percent), Accounting (45 percent), Plant Operations (29 percent), and Food Services (23 percent).

I. ADMINISTRATIVE CONCERNS

A. Performance Reports

Individual Development Plans (IDP) are not prepared in a timely manner. Additionally, supervisors do not prepare probationary reports. As a result, there are 112 overdue reports as of August 2008, based on a memorandum from the Personnel Office. Personnel Transaction Manual (PTM).

Impact: This issue could result in Employees unaware of their job performance and work expectations.

B. Defaced Timesheets

The Fair Labor Standards Act (FLSA) timesheets are defaced with various symbols. For example, the symbols are in the form of hearts, smiley/sad faces, and lightning bolts. Exacerbating this issue are 11 other deficiencies related to Personnel Transactions that are identified in this report. Public Records Policy.

Impact: This issue defaces the timesheet (i.e., a legal document). It is inappropriate and could result in investigations.

II. HEALTH AND SAFETY

A. Occupational Health and Safety

The site specific Exposure Control Plan (ECP) has not been reviewed and/or updated. Division of Correctional Health Care Services (DCHCS)), Blood Borne Pathogens (BBP) and ECP.

Impact: This condition may result in employees being unaware of changes in current practices, policies and procedures, and may make training difficult.

The Exposure Control Committee (ECC) does not convene and meet on a quarterly basis. California Code of Regulation (CCR), Title 8.

Impact: This condition could result in inadequate communication related to Occupational Health and Safety.

A sharps injury log is not maintained. The last entry on the log was made in 2006 even though a needle stick occurred on August 7, 2008, according to the log of work related injury and illness, better known as CAL/OSHA form 300. DCHCS formerly known as Health Care Services Division (HCSD), BBP, and ECP.

Impact: This condition results in difficulty tracking the details related to sharps injuries (i.e., time, date, person witnesses, substance, and location, etc.).

Regulated waste (i.e., engineered sharp containers and red bags) used for the disposal of bio-hazardous waste is not maintained in accordance with the BBP and ECP. This was noted at the Correctional Treatment Center (CTC), Yard 4 and Level 1 Clinics. Health and Safety Code.

Impact: This condition may put staff in jeopardy of coming in contact with hazardous substances that may transmit diseases. Additionally, these instances may not be reported and documented.

There are 2 deficiencies related to the Labor Management Health and Safety committee meetings. The first deficiency is that the average attendance for the past 12 months is 53 percent. Secondly, the committee does not meet on a monthly basis. RJD's Institution Safety Committee (ISC) and Department Operations Manual (DOM).

Impact: This condition results in day to day safety issues not raised and possibly not being resolved. Additionally, this issue gives the appearance that the safety committee is given a low priority.

The Injury Illness Prevention Plan (IIPP) could not be located in the accounting and personnel offices, and the entrance building. Additionally, the IIPP in plant operations is incomplete. RJD's IIPP and CCR, Title 8.

Impact: Staff is not supplied with access to hazard information pertinent to their work assignments (i.e., hazard evaluations).

B. Environmental Health and Safety

There are deficiencies related to the Hazard Communication Program (HCP). The deficiencies were noted at 17 locations. In general, secondary container labeling is inadequate, Materials Safety Data Sheet (MSDS) binders are not user friendly, and chemicals are not stored or inventoried properly. CCR, Title 8, and DOM.

Impact: This condition may result in difficulty responding to emergencies and late detection of missing chemicals.

C. Plant Operations

Safety meetings (i.e., tailgates) are not conducted for each maintenance section at least every ten days and written minutes are not taken. Ninety percent of the shops tested did not conduct consistent safety meetings. **(Prior Finding)** CCR, Title 8.

Impact: This condition suggests that safety issues may not be emphasized and discussions documented in a consistent manner and that Plant Operations is not implementing and maintaining an effective IIPP.

Inmates are not wearing appropriate footwear while working with Plant Operations staff. Specifically, tennis shoes are worn instead of leather work boots. **(Prior Finding)** DOM.

Impact: This condition could result in injuries, which could be avoided.

III. INTERNAL CONTROL

A. Inmate Trust Accounting

Separation of duties is inadequate when the check signer has access to the blank check stock. State Administrative Manual (SAM).

Impact: This condition may result in late detection of errors, irregularities, theft, and/or misappropriation of checks.

B. Property

Spot checks do not reconcile to the Property Control System (PCS). This deficiency was noted in three of the four locations tested. Additionally, in the Personnel and Accounting offices, there are computers, calculators and printers that are not listed in the PCS. Also, in Food Services, there are two electric pallet jacks that are not listed. **(Prior Finding)**

Impact: This condition may result in late detection of errors, irregularities, theft and/or misappropriation.

IV. LATE DETECTION AND ADDITIONAL WORKLOAD

A. Personnel Transactions

There are 11 deficiencies related to attendance records. They are as follows:

1. Custody staff claim absent for jury duty on holidays and weekends.
2. FLSA timesheets are incomplete.
3. FLSA timesheets are inaccurate.
4. Adjustments made to leave credits are not reflected in the Personnel Post Assignment System (PPAS) when applicable.
5. The dates of docks are not recorded on timesheets and the Leave Accounting System (LAS).
6. Captains are not signing when a Lieutenant's name appears on the timesheet.
7. Military Leave (ML) is used for an absence that is Military Leave Drill (MLD) and vice versa.
8. Employees are claiming more than the Bereavement Leave limit of three working days.
9. Custody supervisors are approving Employee Attendance Records and Personnel Automated Leave (CDC 998-A) without the appropriate substantiation for military, sick, bereavement leave, and jury duty.
10. Sick leave verification is accepted without a physician and/or health care provider's signature.
11. Accounts Receivables (AR) are not established timely. As of October 2008, there is a 12-month backlog.

(Prior Finding) PPAS, AB 04-01, Memorandum of Understanding (MOU), and Bargaining Unit 06 (BU 06).

Impact: These issues could result in late detection of manipulation, and inappropriate use of leave as well as additional workload. It also understates ARs,

and gives the appearance of interest free loans. Additionally, these issues could result in investigations and diminish the credibility of personnel.

Nine hiring packages were reviewed for various positions (i.e., Staff Services Analyst (SSA), Property Controller I, Office Assistant (General) and (Typing), and Correctional Lieutenant. The following deficiencies were noted:

- The RJD form, Identification of Interview Panel a Screening Criteria Used, did not detail the screening methods used (i.e., budget background).
- There were three panel members noted on the memorandum entitled, Hiring Panel for SSA/Associate Government Program Analyst (AGPA), but all documents have only two panel member signatures.
- There was no approved panel member memorandum of file for the Property Controller I hire.
- The wrong certification list was used for four Correctional Lieutenant hires. Additionally, the certification list had expired prior to commitments made.
- Two employees were rolled over from limited-term to full-time, but their names did not appear on the full-time certification list.
- It should also be noted that there are three different versions of the RJD, Policies on Hiring Interviews, being used. PTM.

Impact: These issues result in the appearance that the hiring process was not completed appropriately and makes it difficult to dispute complaints from candidates.

The personnel staff has not taken action to resolve 332 ARs and 23 salary advances that have been outstanding for over 90 days. **(Prior Finding)** Accounting Instructional Memorandum 99-09.

Impact: This issue makes it difficult to collect money owed to the State and gives the appearance of interest free loans. In addition, it could create an additional workload and be a hardship on the employee when collection efforts begin.

Suspended payments are not cleared timely. Of the 35 suspended payments outstanding, 27 have not been cleared within 90 days and one dates back to June 2004. **(Prior Finding)** Payroll Procedure Manual (PPM).

Impact: This condition could result in difficulty resolving and not clearing a salary advance in a timely manner as well as unreported income for an employee.

The Periodic Position Control Report (PPCR) has reconciling items that have not been corrected. Some date back to the beginning of the 07/08 fiscal year. These items are for premium payments that have been paid out of the position number instead of the 901 blanket. **(Prior Finding)** (PPM).

Impact: This issue could result in the late detection of errors and irregularities, which could include over-expenditure of the budget authority. It also results in additional workload for personnel.

B. Plant Operations

There are deficiencies related to preventive maintenance (PM). For example:

- During the period sampled, 61 percent of PM work orders generated were not complete.
- An updated file of equipment maintenance data summary sheets, which transfers equipment data to the PM system, is not completed timely.
- The paper flow (e.g., work orders, history reports, etc.) that is necessary for the System Manager to keep data current and up-to-date is not complete. **(Prior Finding)** RJD's OP# 2001 and DOM.

Impact: These issues could result in late detection of equipment failure and difficulty identifying equipment.

The Inmate Work Supervisor's Timekeeping Log (CDC 1697) is not properly maintained. For example, inmate duty statements are not always present and/or signed. Inmates are not signed in/out, transfer in/out dates, and the daily movement sheet (DMS) numbers are missing. Additionally, the reasons for using Exceptional Time are not documented and inmates are not charged for their lunch breaks. **(Prior Finding)** CCR, Title 15, RJD's Inmate Work Training Incentive Program (IWTIP), and DOM.

Impact: These conditions could result in inaccurate documentation of inmate work time.

The Audits Branch could not determine whether the contracted backflow assembly tester is certified. Standard Automated Preventive Maintenance Systems Guideline.

Impact: This condition results in difficulty determining whether backflow devices have been tested by a certified backflow assembly tester.

The Audits Branch could not determine whether all Stationary Engineers have been certified and trained by the Environmental Protection Agency (EPA) to perform maintenance, service, repair, and disposal of refrigerants. EPA.

Impact: This condition results in difficulty determining if refrigerants are disposed of by certified and trained stationary engineers.

C. Property

The physical inventory of property conducted in 2007 was not performed in accordance with DOM. The following deficiencies were noted: The property controller assisted in the counting of property; inventory worksheets do not have the dates of inventory or the name of the inventory taker. Additionally, the Property Controller makes inventory adjustments prior to the approval of the Business Manager. DOM.

Impact: This condition may result in late detection of errors, irregularities, theft, and/or misappropriation.

A missing property report is not maintained in the PCS. Also, property survey reports are not prepared for missing property and property may be overstated. SAM.

Impact: This condition results in no management review of missing property and late detection of errors, irregularities, theft, and/or misappropriation, and property may be overstated.

Property located in Food Services is not identified with a property tag number (e.g., an Electric Food Processor, Hobart Dicer and Cutter, etc.). Additionally, the intelligence chargers for each one of the electric pallet jacks do not contain property tag numbers. A Hobart mixer has a portion of a property tag affixed to it, but the number is illegible and is not engraved on the equipment. DOM.

Impact: These conditions may result in difficulty tracking PM and repairs to equipment.

V. POLICIES AND PROCEDURES

OPs are not updated on an annual basis. For example, 44 of the 151 OPs have not been updated.

Impact: This condition may not communicate updated policies and procedures to staff.

The Institution's Plant Operations Procedures Manual (POPM) is inadequate. See the following chart for specifics:

Title	Last Updated
Inmate Work Training Incentive Guidelines	1996
Control of Dangerous and Toxic substances	2005
Battery Disposal	2006
BBP and Exposure Control	2001
Pest Control Abatement Procedures	2006
Work Order and Work Request Procedures	2006
PM Procedures	2006

(Prior Finding) DOM and SAM.

Impact: This condition could result in staff not complying with current policies and procedures.

VI. PENALTIES AND FINES

Lump sum payments are not issued within 72 hours of notification of the separation. Of the 12 lump sum payments reviewed, 8 were not issued within 72 hours. **(Prior Finding)** California Labor Code 220.

Impact: This condition could result in severe penalties, prosecution, and the Institution could be held liable for treble damages.

FINDINGS AND RECOMMENDATIONS

It should be noted that turnover in the area of Business Services over the past 12 months is as follows: Personnel (59 percent), Procurement (54 percent), Accounting (45 percent), Plant Operations (29 percent), and Food Services (23 percent).

I. ADMINISTRATIVE CONCERNS

A. Performance Reports

IDP's are not prepared in a timely manner. Part of the reason is because the Personnel Office is not forwarding IDPs to the Supervisors and Managers. Additionally, Supervisors do not prepare probationary Reports. However, the personnel office is distributing a memorandum entitled, "The Final Notice – Employee's Probation Performance Evaluation." The August 2008 memorandum indicates that there are 112 reports overdue.

This issue could result in employees being unaware of their job performance and work expectations.

The PTM, Section Agency Responsibility, 900.1, states in part: ". . . each State agency is responsible for the administration of the performance appraisal program for permanent and probation employees. The success of programs will depend largely on the effectiveness of training provided in the agency for employees, supervisors, and management at all levels. Each agency shall adopt a system of performance appraisals in accordance with the rules of the State Personnel Board."

Recommendation

Establish a procedure to ensure that performance reports and IDPs are completed and monitored.

B. Defaced Timesheets

The FLSA timesheets are defaced with various symbols. For example, the symbols are in the form of hearts, smiley/sad faces, and lightning bolts. Exacerbating this issue are 11 other deficiencies related to Personnel Transactions that are identified in this report.

This issue defaces the timesheet (i.e., a legal document), is inappropriate, and could result in investigations.

Penal Code, Section 502(c)(4), states: "Knowingly accesses and without permission adds, alters, damages, deletes, or destroys any data, computer software, or computer programs which reside or exist internal or external to a computer, computer system, or computer network."

The CDCR's Information Security Policy, states in part: "The CDCR Information Security Policy protects information in agency files and databases against unauthorized access, modification, deletion, or disclosure of information included. The department regards its information assets...to be essential resources...."

DOM, Article 15, Information Practices, Section 13030.10, Validity of Information, states: "Every employee who collects, maintains, or receives personal information shall make reasonable efforts to ensure that the information is accurate, timely, relevant, and complete."

Recommendation

Consider initiating an informal and/or formal investigation to determine the significance of the defacing. Elevate the review process of FLSA timesheets so that the IPO and Business Manager are actively involved.

II. HEALTH AND SAFETY

A. Occupational Health and Safety

1. Exposure Control Plan

The site specific ECP has not been reviewed and or updated since 2001.

This condition may result in employees being unaware of changes in current practices, policies and procedures, and may make training difficult.

The Division of Correctional Health Care Services, BBP and Exposure Control Program (ECP), REVIEW AND UPDATE OF THE ECP, states: "The department recognizes the importance of keeping the ECP up-to-date. This will be the responsibility of the Exposure Control Facilitator (ECF) and the Exposure Control Committee (ECC). All proposed changes shall be submitted to the Public Health Section (PHS) for review and approval. The PHS is responsible for providing updates and revisions as necessary. The ECP shall be reviewed and updated under the following circumstances.

- A. Annually;
- B. When new or modified task and procedures are implemented;
- C. When new and functional positions or job classifications within the institution or division are established, which may involve possible exposure to BBP;
- D. On a regular basis to review engineering and work practices controls their regularly scheduled maintenance logs, and to update them to ensure their effectiveness;
- E. In response to data gathered since the last update regarding exposure incidents documented on the sharps injury log;
- F. In response to any information received regarding possible deficiencies or needed improvements; and

G. To assess progress made in environmental controls for the purpose of decreasing risk to BBP.”

Recommendation

Comply with the Division of Health Care Services (DHCS), BBP ECP, and update the ECP based on circumstances outlined above.

2. Exposure Control Committee

The ECC does not convene and meet on a quarterly basis.

This condition could result in inadequate communication related to current and on-going events regarding Occupational Health and Safety.

The CCR, Title 8, General Industry Safety Orders, Article 100, Section 3203, (see Chapter 9, Appendix, page I, App.2), states in part “The ECC must include the Warden of the institution or their designee; the Chief Medical Officer (CMO) or their designee; a representative from the Union of American Physicians and Dentists (Unit 16), the California Correctional Peace Officers Association (Unit 6), the Health and Safety Office, and other interested staff as may be deemed appropriate. Meeting Frequency: The committee will meet no less than quarterly, and more often as may be indicated by circumstances of employee BBP exposures.”

Recommendation

Meet and convene at least quarterly in accordance with the DHCS guidelines in order to update the ECP.

3. Sharps Injury Log

A sharps injury log is not maintained. The last entry on the log was made in 2006, even though a needle stick occurred on August 7, 2008, according to the log of work related injury and illnesses (Division of Occupational Safety and Health better known as CAL/OSHA form 300).

This condition results in difficulty tracking the details related to sharps injuries (i.e., time, date, person, witnesses, substance, location, etc.).

The DCHCS formerly known as HCSD BBP and ECP states: “The ECC shall establish, maintain, and regularly review the sharps injury log. B. Each sharps incident shall be recorded on the Log within 14 working days of the date the incident was reported- 2.5-1/11/02. C. The Log shall include sharps exposure incidents and the details of each incident using the CDC form 7219, (Rev. 9/77), Medical Report of Injury or Unusual Occurrence (see Chapter 9, page V. App.3) and the testimony of the exposed employee. The details necessary to include are described in Chapter

5, Section IV, Part C: Immediately Following an Exposure Incident, the Health Care Staff shall...2. Document the Exposure....”

Recommendation

Maintain a sharps injury log in accordance with the HCSD guidelines and recommendations.

4. Regulated Waste

Regulated waste (i.e., engineered sharp containers and red bags) used for the disposal of bio-hazardous waste is not maintained in accordance with the BBP and ECP. The Audits Branch inspected the CTC, Yard 4 and level 1 Clinics and noted the following deficiencies:

CTC

- Sharps containers are not maintained close to injection sites. For example, staff goes to a different room to dispose of used engineered sharps.
- The bio-hazardous waste room is used for storage of wheel chairs and other medical appliances.
- There is no posted pick-up schedule. Also, staff is not informed or knowledgeable of pick-up dates and times.
- Sharp containers are maintained on floors and underneath cabinets.
- Bio-hazardous waste containers are archaic and inadequate. For example, they are not designed with foot petals for hands free disposal, which minimizes exposure.

Yard 4 Clinic

- Wet towels used as cleaning rags are placed on the top of the bio-hazardous waste containers for drying and reuse.
- Sharp containers are not easily accessible. They are maintained on floors, desk and behind doors.
- Linen, such as, soiled towels is placed in red bags instead of yellow bags and placed in the waste stream.
- The foot petal is inoperable on the bio-hazardous waste container.
- There is no posted pick-up schedule and staff is not informed or knowledgeable of pick-up dates and times.
- There is no designated bio-hazardous waste transporter, medical staff hand carry bio-hazardous waste to the CTC.

Level 1 Clinic

- There is no designated bio-hazardous waste transporter. As a result, medical staff hand carries bio-hazardous waste to the CTC.

These conditions put staff in jeopardy of coming in contact with hazardous substances that may transmit diseases. Additionally, these instances of contact may not be reported and documented.

REGULATED WASTE “4. Medical Waste as defined by California Health and Safety Code, Chapter 6.1, Sections 117600–117800, (see Chapter 9, Appendix, page III. App.1). B. Handling, Storage, Treatment and Disposal of all regulated waste shall be in accordance with Health and Safety Code Chapter 6.1, as referenced above and as described in this Chapter and in Chapter 8, Communicating Hazards and Recordkeeping. It shall also be done in a manner that observes Universal or Standard precautions.

C. Disposal of Sharps Containers.

1. When moving containers of contaminated sharps from the area of use, the containers shall be:
 - Closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport or shipping.
 - Placed in a secondary container if leakage is possible. The second container shall comply with all provisions listed in 2, below.
2. Contaminated sharps shall be discarded immediately in containers that are able to be closed, puncture resistant, leak-proof, and labeled in accordance- 3.7 - 1/11/02 with the recommendations of the CAL/OSHA BBP Standard (see Chapter 8, Communicating Hazards and Recordkeeping).
3. Reusable containers shall not be opened, emptied or cleaned manually in any manner that might expose employees to the risk of injury.”

Recommendation

Comply with the California Health and Safety Code, Sections 117600 – 118360.

5. Labor Management Health and Safety Committee Meeting

There are two deficiencies related to the Labor Management Health and Safety committee meetings. The first deficiency is that the committee does not meet on a monthly basis. Secondly, the average attendance for the months met is 53 percent.

This condition results in day-to-day safety issues not raised and possibly not being resolved. Additionally, this gives the appearance that the safety committee is given a low priority.

The RJD’s IIPP, RJD ISC, states in part, “The ISC meets monthly and includes the RJD safety officer . . . Appointments to the ISC for CDCR staff may rotate periodically; however, attendance by the appointed member or alternate is required at the monthly meeting. The Associate Warden or Manager of the listed areas shall send an appointment memorandum at the time of initial appointment and when

replacements are made. The safety officer shall notify the warden if no appointment is made to a vacant position”

Recommendation

Comply with the DOM and the RJD’s IIPP. Specifically, meet on a monthly basis and increase participation/attendance.

6. IIPP

The IIPP could not be located in the Accounting and Personnel Offices, and the Entrance Building. Additionally, the IIPP in Plant Operations is incomplete.

This issue could result in staff not supplied with access to hazard information pertinent to their work assignments (i.e., Hazard evaluations).

RJD’s IIPP, Section IX, states in part: “...that Documents related to the IIPP are maintained by the Safety Officer, Supervisor, RTWC, and IST.” CCR, Title 8, Section 3203, states in part: “...management is responsible for ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees....Every California employer must establish, implement and maintain a written Injury and Illness Prevention (IIP) Program and a copy must be maintained at each workplace or at a central worksite if the employer has non-fixed worksites....”

Recommendation

Ensure the updated IIPP is placed in all applicable areas.

B. Environmental Health and Safety

1. HCP

There are deficiencies related to the HCP. The deficiencies were noted at 17 locations. In general, secondary container labeling is inadequate, MSDS binders are not user friendly, and chemicals are not stored or inventoried properly. See Attachment B for specifics.

These conditions may result in difficulty responding to emergencies and late detection of missing chemicals.

The CCR, Title 8, Section 5194, HCP, states in part: “Department heads shall monitor daily compliance with this procedure in the areas of their responsibility...Each area supervisor shall ensure that every person required to work with or use hazardous, toxic, and volatile substances is appropriately trained.” DOM, Section 52030.2, states: “This procedure shall establish a method for the identification, receipt, training, issue, handling (or use), inventory, and disposal of

hazardous substances, which is in compliance with all federal, State, and local laws or ordinances.” DOM, Section 52030.4.1, states in part: “Maintain a constant daily inventory of all hazardous substances used or stored....”

Recommendation

Comply with the CCR, Title 8, and the DOM.

C. Plant Operations

1. Safety Meetings (Prior Finding)

Safety meetings (i.e., tailgates) are not conducted for each maintenance section at least every 10 days and written minutes taken. Ninety percent of the shops tested did not conduct consistent safety meetings.

This condition suggests that safety issues may not be emphasized and discussions documented in a consistent manner and that Plant Operations is not implementing and maintaining an effective IIPP.

The CCR, Title 8, Article 3, Section 8406(e), IIPP, states in part, “. . . supervisory personnel shall conduct “toolbox” or “tailgate” safety meetings with their crews at least weekly on the job to emphasize safety. A record of such meeting shall be kept, stating the meeting date, time, place, supervisory personnel present, subjects discussed and corrective action taken, if any, and maintained, for inspection.”

Recommendation

Adhere with the CCR, Title 8.

2. Inmate Footwear (Prior Finding)

Inmates are not wearing appropriate footwear while working with Plant Operations staff. Specifically, tennis shoes are worn instead of leather work boots.

This condition could result in injuries, which could be avoided.

DOM, Section 54090.5, which states: “Special clothing shall be provided for all workers who have assignments that require either distinctive clothing or protective clothing, such as culinary, medical/dental, gym conservation camps and maintenance assignments. When special clothing is required, it shall be purchased from the operating expense allotment of that particular activity.”

RJD’s Inmate Incentive Guidelines, page 8, paragraph 2, states: “The appropriate medical staff shall initiate a CDC 128-C chrono specifying the restrictions and the length of the Light Restricted Duty (LRD).”

Recommendation

Ensure that inmates are wearing the appropriate protective clothing based on the activity in which they are participating.

III. INTERNAL CONTROL

A. Inmate Trust Accounting

1. Separation of Duties

Separation of duties is inadequate when the check signer has access to the blank check stock.

This condition may result in late detection of errors, irregularities, theft, and/or misappropriation of checks.

SAM, Section 8084, states in part, "...that the check signer will not have access to blank checks stock."

Recommendation

Separate duties to ensure that the check signer will not have access to the blank check stock.

B. Property

Spot checks do not reconcile to the PCS. This deficiency was noted in three of the four locations tested. Additionally, in the Personnel and Accounting offices, there are computers, calculators and printers that are not listed in the PCS. Also, in Food Services, there are two electric pallet jacks that are not listed.

This condition may result in late detection of errors, irregularities, theft, and/or misappropriation.

DOM, Section 22030.10.1, Stock Records, states in part, "The stock record, which serves as a joint purchasing/financial/operational record, shall be kept current and accurate at all times...."

Recommendation

Ensure that the PCS is maintained current and accurate.

IV. LATE DETECTION AND ADDITIONAL WORKLOAD

A. Personnel Transactions

1. Attendance Records (Prior Finding)

There are eleven deficiencies related to attendance records. They are as follows:

1. Custody staff claim absent for jury duty on holidays and weekends.
2. FLSA timesheets are incomplete.
3. FLSA timesheets are inaccurate.
4. Adjustments made to leave credits are not reflected in the PPAS when applicable.
5. The dates of docks are not recorded on timesheets and the LAS.
6. Captains are not signing when a Lieutenant's name appears on the timesheet.
7. ML is used for an absence that is MLD and vice versa.
8. Employees are claiming more than the Bereavement Leave limit of three working days.
9. Custody supervisors are approving CDC 998-A's without the appropriate substantiation for military, sick, bereavement leave, and jury duty.
10. Sick leave verification is accepted without a physician and/or health care provider's signature.
11. ARs are not established timely. As of October 2008, there is a 12-month backlog.

These issues could result in late detection of manipulation, and inappropriate use of leave as well as additional workload. It also understates account receivables, and gives the appearance of interest free loans. Additionally, these issues could result in investigations and could diminish the credibility of personnel.

PPAS Timekeeping User Manual, Section Custody Sign/Out Sheet Overview, Completed Custody Sign In/Out Sheet, states: "Final Review and Approval: If a Lieutenant's name appears on the Custody Sign In/Out Sheet, a Captain, or above, will need to sign for the individual."

PPAS guidelines, Definitions of Pay Codes, should be used to alleviate the issue of using incorrect absent codes.

MOU, Bargaining Unit 6, Article 10, Leaves, 10.07 Bereavement Leave A, states in part, "Such absence for bereavement leave with pay shall be limited to not more than three (3) work days per occurrence during the fiscal year."

AB 04-01, Attendance Record Policy–BU 06 and Aligned Non-Represented Employees, states in part, The Department of Personnel Administration (DPA) Rules, Sections 599.665 and 599.702, Government Code, Section 19849, and the Fair Labor Standards Act (FLSA), Chapter VI, requires all departments to maintain complete and accurate time and attendance records for each employee covered by the FLSA. CDC's policy establishes a process and time frame for submitting time and attendance record to the Personnel Office to meet mandates

requirements...Supervisor Responsibility – PPAS and Non – PPAS, The Supervisor will:

- Review the CDC Form 998-A (October 1992) or (August 1999) for accuracy and completeness.
- Determine whether leave credit use is appropriate in accordance with the MOU (R06) or DPA Rules (S06, C06, and M06).
- Sign and date CDC Form 998-A to certify that it is correct and complete . . .”
- Administrative Bulletin (AB) 04-01, Attendance Record Policy – BU 06 and Aligned Non-Represented Employees, states in part, “

AB 04–01 issued January 8, 2004, Attendance Record Policy–BU 06 and Aligned Non-Represented Employees, states in part: “Leave taken without available leave credits is subject to an AR, the recovery of overpayment for the unapproved leave. Failure to turn in a completed CDC form 998-A may result in an AR established in accordance with BU 06, MOU, Section 15.12, and Side Letter 4.”

Recommendation

Establish a review and monitoring process. Provide both formal and informal training, as necessary, and provide more extensive training to supervisors. Perform spot checks and provide results to management for appropriate action. Correct leave records to reflect accurate attendance records, develop a plan to eliminate the backlog of ARs, and continue monitoring the process for compliance.

2. Hiring Process

There are six deficiencies related to the hiring process based on a review of nine hiring packages. The following table denotes classifications and related deficiencies:

Classification	Deficiencies
Staff Services Analyst (G)	<ul style="list-style-type: none">• The RJD form, used to identify the Interview Panel and Screening Criteria, does not detail the screening methods used. For example, does the applicant have a budget background?• There are three panel members identified on the memorandum titled, “Hiring Panel for SSA/AGPA;” however, the hiring documents have signatures for two panel members.
Property Controller I	<ul style="list-style-type: none">• There is no memorandum on file which identifies approved panel members.
Correctional Lieutenant	<ul style="list-style-type: none">• An incorrect certification list was used to hire four Correctional Lieutenants. The certification list number is F807037. Compounding this issue is that the list has expired.• Two employees appointed as limited-term were appointed to permanent full-time positions but do not appear on the full-time certification list (F810037).

Additionally, there are three different versions of the policy related to Hiring Interviews.

This condition results in the appearance that the hiring process was not completed appropriately, and makes it difficult to dispute any complaints from potential candidates.

PTM, Section 76, Clearing Employments Lists-Processing The Eligible's Response. Section Panel: All screening and interview panels should have a minimum of two members.

Recommendation

Immediately, contact the certification unit in headquarters to discuss resolution of the illegal hires of the four Correctional Lieutenants. Develop a procedure to ensure that the hiring process is completed appropriately and provide training to staff that are involved in the process. It is further recommended that all hiring packages are audited by the IPO, Correctional Business Manager and Associate Warden, Business Services.

3. Accounts Receivables (Prior Finding)

The personnel staff has not taken action to resolve 332 ARs totaling \$83,003 and 23 salary advances that have been outstanding over 90 days. For example, collection procedures have not been initiated (i.e., Notice to Employee of Overpayment).

This issue makes it difficult to collect money owed to the State and gives the appearance of interest free loans. In addition, it could create an additional workload and be a hardship for the employee when collection efforts begin.

Accounting Instructional Memorandum 99-09, Accounts Receivable Process, Section A, states in part: ". . . the employees must repay any overpayment, to employers." Also, according to SAM, Section 8776.7, Departments will notify employees (in writing) of overpayments and provide them an opportunity to respond.

Recommendation

Initiate notifications to employees of impending collection clearance of old ARs and ensure ARs are cleared timely. Also, monitor the collection process for compliance.

4. Suspended Payments (Prior Finding)

Suspended payments are not cleared timely. Of the 35 suspended payments outstanding, 27 have not been cleared within 90 days and 1 dates back to June 2004. Suspended payments occur when a conflict of certification is identified,

such as, the incorrect position number noted on payroll documents (672, 666, 603, and 966, etc.).

This condition could result in difficulty resolving and not clearing a salary advance in a timely manner as well as unreported income for an employee.

The PPM, Section I406, Suspended Payments, states, "A valid payment or adjustment is tested for a series of conditions before being released. If a payment or adjustment fails to meet all the requirements, it is withdrawn for later release and placed on the Suspended Payment File."

Recommendation

Clear the suspended payment report and establish a procedure to monitor for compliance.

5. PPCR (Prior Finding)

The PPCR has reconciling items that have not been corrected. Some date back to the beginning of the fiscal year 2007/08. These items are for premium payments that have been paid out of the position number instead of the 901 blanket. The following table identifies the unit, number of positions, and the total amount of over-expenditures for the fiscal year:

Unit	Number of Positions	\$ Amount of Over Expenditure
100	2	\$ 569.43
201-207	5	4,214.91
211	2	1,304.38
213	6	12,258.75
216	1	1,045.81
220	5	11,543.95
222	1	455.82
261	7	3,594.45
Total	29	\$34,987.50

This issue could result in the late detection of errors and irregularities, which includes late detection of over-expending the budget authority. It also results in additional workload for personnel.

PPM, Periodic Position Control Report Monthly, Section C 310, states in part: "...each agency must review the report and take necessary corrective action." Please note that working the PPCR will prevent positions from reflecting on the Vacant Position Report during the fiscal year end process.

Recommendation

Provide training to the personnel specialists regarding reconciliation of the payroll to the roster cards and ensure that State Controllers Office reports (i.e., PPCR) are used to reconcile on a monthly basis. Also, monitor the process for compliance.

B. Plant Operations

1. PM (Prior Finding)

There are deficiencies related to PM. For example:

- During the period sampled, 61 percent of PM work orders generated were not complete. For example, Maintenance Mechanics completed 30 of the 2,589 (1 percent) PM work orders scheduled and Stationary Engineers completed 644 of the 1,646 (39 percent) PM work orders scheduled.
- An updated file of equipment maintenance data summary sheets, which transfers equipment data to the PM system, is not completed timely.
- The paper flow (e.g., work orders, history reports, etc.), that is necessary for the System Manager to keep data current and up-to-date, is not complete.

These issues could result in late detection of equipment failure and difficulty identifying equipment.

The RJD's OP number 2001, states in part: ". . . establish an effective and efficient (PM) procedure to ensure avoidance of unnecessary depreciation of equipment due to the lack of concentration in the PM area. This procedure must establish the systematic maintenance of all major institutional facilities and equipment"

DOM, Section 41020.2, states: "This policy is to ensure that departmental resources and information technology (IT) are used optimally in achieving the department's mission, goals and objective."

Departmental Plant Operational Maintenance Procedures Manual, states in part, "The [Correctional Plant Manager] CPM will complete a review of the PM program at least once a month. The reviews to include a spot check to determine that PM task are completed in accordance...."

Recommendation

Comply with the PM schedule and DOM. Supervisors should monitor asset management and review historical data regularly.

2. CDC 1697 (Prior Finding)

The CDC 1697 is not properly maintained. For example, inmate duty statements are not always present and/or signed, inmates are not signed in/out, transfer in/out dates, and the DMS numbers are missing. Additionally, the reasons for using

Exceptional Time are not documented and inmates are not charged for their lunch breaks.

These conditions could result in inaccurate documentation of inmate work time.

The CCR, Title 15, Section 3045, Timekeeping and Reporting, states in part: "Supervisors shall be responsible to record and report all work/training time and absence...."

RJD's IWTIP handbook, page 1, states in part: "Inmates shall sign and receive a copy of their job description." Page 2, states: "As a Supervisor of a work\training program the Daily Movement Sheet (DMS) must be reviewed each day."

DOM, Section 53130.11.1, states in part: "S" with the number of hours an inmate is unable to report to work through no fault of the inmate . . .Additional entries position/assignment number of the inmate...."

Recommendation

Complete the CDC 1697 as events occur. Maintain the IWTIP documents in accordance with IWTIP guidelines, Title 15, and DOM.

3. Backflow

The Audits Branch could not determine whether the contracted backflow assembly tester is certified.

This issue results in difficulty determining whether a certified backflow assembly tester has tested backflow devices.

California Plumbing Code, Section 603.3.2, states: "The premise owner or responsible party shall have the backflow prevention assembly tested by a certified backflow assembly tester at the time of installation, repair, or relocation and at least on an annual schedule thereafter or more often when required."

Recommendation

Ensure the testers are certified with a current certificate.

4. Stationary Engineer Certification

The Audits Branch could not determine whether all Stationary Engineers have been certified and trained by the EPA to perform maintenance, service, repair, and disposal of refrigerants.

This condition results in difficulty determining whether certified and trained Stationary Engineers dispose of refrigerants properly.

EPA has established a technician certification program for persons ("technicians") who perform maintenance, service, repair, or disposal that could be reasonably expected to release refrigerants into the atmosphere. The definition of "technician" specifically includes and excludes certain activities as follows: Included: Attaching and detaching hoses and gauges to and from the appliance to measure pressure within the appliance; Adding refrigerant to (for example "topping-off") or removing refrigerant from the appliance any other activity that violates the integrity of the motor vehicle air conditioning like appliances, and small appliances.

In addition, apprentices are exempt from certification requirements provided the apprentice is closely and continually supervised by a certified technician. Reclaimers are required to return refrigerant to the purity level specified in Air Conditioning and Refrigeration Institute (ARI) Standard 700-1993 (an industry-set purity standard) and to verify this purity using the laboratory protocol set forth in the same standard. In addition, reclaimers must release no more than 1.5 percent of the refrigerant during the reclamation process and must dispose of wastes properly. Reclaimers must certify to the Section 608 Recycling Program Manager at EPA headquarters that they are complying with these requirements and that the information given is true and correct. Certification must also include the name and address of the reclaimer and a list of equipment used to reprocess and to analyze the refrigerant.

Recommendation

Ensure that all staff that work with refrigerants receive proper training and certification in the reclamation of refrigerants.

C. Property

1. Property Inventory

The physical inventory of property conducted in 2007 was not performed in accordance with DOM. The following deficiencies were noted: The property controller assisted in the counting of property; inventory worksheets do not have the dates of inventory or the name of the inventory taker. Inventory adjustments are made by the Property Controller prior to the approval of the Business Manager.

This condition may result in late detection of errors, irregularities, theft, and/or misappropriation.

DOM, Section 22030.12.6, states: "The Department shall conduct a physical inventory on all property and reconcile the inventory with accounting records at least every three years. Inventory counting does not need to be performed at one time. Units may take a rotating inventory according to an inventory calendar."

Recommendation

When conducting a physical inventory of property, follow the guidelines established by DOM. Also, ensure that property inventory adjustments are approved by the Business Manager prior to making adjustments.

2. Missing Property Report

A missing property report is not maintained in the PCS. Also, property survey reports are not prepared for missing property and property may be overstated.

This condition results in no management review of missing property and late detection of errors, irregularities, theft, and/or misappropriation.

SAM, Section 8643, states in part: "Whenever property is lost, stolen, or destroyed, departments will prepare a Property Survey Report form, Std. 152. The department will adjust its property accounting records and retain the Property Survey Report as documentation...."

Recommendation

Identify Lost, Stolen, or Destroyed Property in accordance with SAM.

3. Food Services Property

Property located in Food Services is not identified with a property tag number (e.g., an Electric Food Processor, Hobart Dicer and Cutter, etc.). Additionally, the intelligence chargers for each one of the electric pallet jacks do not contain property tag numbers. A Hobart mixer has a portion of a property tag affixed to it, but the number is illegible and is not engraved on the equipment.

These conditions may result in difficulty tracking PM repairs to equipment and reconciling property inventory.

DOM, Section 22030.12.3, states in part: "Each item of state-owned property shall bear an identifying number, either by decal or engraving When the property is received from the vendor and prior to moving the item from the point of delivery, the property controller shall assign a property tag that indicates the division or unit to which the property belongs and a specific number that shall be affixed to the item Property tag or engravings shall be placed so that they are in plain sight and easy to read"

Recommendation

Ensure property is tagged in accordance with DOM, Section 22030.

V. POLICIES AND PROCEDURES

1. OPs

OPs are not updated on an annual basis. For example, 44 of the 151 OPs have not been updated.

This condition may not communicate updated policies and procedures to staff.

DOM, Article 6, Section 1200, states in part: “This section describes the regulations, manuals, and bulletins utilized to transmit departmental directives and establishes procedures for their promulgation, distribution, and maintenance.”

SAM, Section 20050, states in part: “Experience has indicated that the existence of the following danger signal will usually indicate a poorly maintained and vulnerable control system . . . Policy and procedural or operational manuals are either not currently maintained or are non-existent.”

Recommendation

Update the OPs in accordance with DOM and SAM.

2. POPM (Prior Finding)

The Institution’s POPM is inadequate. See the following chart for specifics:

Title	Last Updated
Inmate Work Training Incentive Guidelines	1996
Control of Dangerous and Toxic substances	2005
Battery Disposal	2006
BBP and Exposure Control	2001
Pest Control Abatement Procedures	2006
Work Order and Work Request Procedures	2006
PM Procedures	2006

This condition could result in staff not complying with current policies and procedures.

SAM, Section 20050, states in part: “Experience has indicated that the existence of the following danger signal will usually indicate a poorly maintained and vulnerable control system Policy and procedural or operational manuals are either not currently maintained or are non-existent.”

Recommendation

Update and maintain a current viable POPM.

VI. PENALTIES AND FINES

1. Lump Sum Payments (Prior Finding)

Lump sum payments are not issued within 72 hours of notification of the separation. Of the 12 lump sum payments reviewed, 8 were not issued within 72 hours.

This condition could result in severe penalties, prosecution, and the Institution could be held liable for treble damages.

A CDCR Memorandum dated May 4, 2001, Changes to California Labor Code Section 220, states in part: “. . . requires an employer (including State agencies) to provide permanently separating employees with all final pay due (including overtime and lump sum payments) on the effective date of separation if the employee notified the employer at least 72 hours prior to separation. When an employee permanently separates without providing at least 72 hours prior notification, the employer then has 72 hours from the time the employee provides the notification to give him/her all final pay due.”

Recommendation

Establish a procedure, which ensures that lump sum payments are issued timely. Also, ensure that supervisors adequately monitor for compliance.

**OFFICE OF AUDITS AND COMPLIANCE
AUDITS BRANCH**

Richard J. Donovan Correctional Facility at Rock Mountain

GLOSSARY

AB	Administrative Bulletin
AB	Audits Branch
AGPA	Associate Governmental Program Analyst
AR	Accounts Receivable
BBP	Blood Borne Pathogens
BM	Business Manager
BU 06	Bargaining Unit 06
CAP	Corrective Action Plan
CCR	California Code of Regulations
CDC	California Department of Corrections
CDC 998-A	Employee Attendance Record and PALS Worksheet
CDC 1697	Inmate Work Supervisor's Timekeeping Log
CDCR	California Department of Corrections and Rehabilitation
CTC	Correctional Treatment Center
DHCS	Division of Health Care Services (Formerly Health Care Services Division)
DOM	Department Operations Manual
DMS	Daily Movement Sheet
DPA	Department of Personnel Administration
ECC	Exposure Control Committee
ECP	Exposure Control Plan
EPA	Environmental Protection Agency
FLSA	Fair Labor Standards Act
HCP	Hazard Communication Program
HCSD	Division of Correctional Health Care Services
IDP	Individual Development Plans
IIPP	Injury and Illness Prevention Plan
IPO	Institution Personnel Officer
ISC	Institution Safety Committee
IWTIP	Inmate Work Training Incentive Program
LAS	Leave Accounting System
ML	Military Leave
MLD	Military Leave Drill
MOU	Memorandum of Understanding
MSDS	Materials Safety Data Sheet
OAC	Office of Audits and Compliance
OP	Operational Procedure
PCS	Property Control System
PHS	Public Health Section
PM	Preventive Maintenance
POPM	Plant Operations Procedures Manual

PPAS	Personnel Post Assignment Systems
PPCR	Periodic Position Control Report
PM	Preventative Maintenance
PPM	Payroll Procedure Manual
PTM	Personnel Transactions Manual
RA	Retired Annuitant
RJD	Richard J. Donovan Correctional Facility
SAM	State Administrative Manual
SAPMS	Standard Automated Preventive Maintenance System
SPB	State Personnel Board
SSA	Staff Services Analyst
Std. 115	Order for Storeroom Supplies
Std. 607	Change in Established Position
Std. 897	Bilingual Pay Authorization

SAMPLE FORMAT CORRECTIVE ACTION PLAN				
Item #	Audit Finding	Responsible Personnel	Proposed Action	Date to be Completed
A.1	<p>WRITTEN NOTICE</p> <p>Of the 30 records reviewed, 24 (80 percent) contained a clearly stated date and reasons for placement in part I, Notice of Reasons for Placement date. The remaining three records failed to clearly document the reason for placement in sufficient detail to enable the inmate to prepare a response or defense.</p>	<p>Facility Captain Do Not use individuals names and do Not use Acronyms.)</p>	<p>A. Facility Captains will ensure that each inmate placed in Administrative Segregation will have the placement date included on all CDC 114-Ds processed.</p> <p>B. Training will be provided by the Facility Captains to ensure sufficient information is documented in abundant detail in order for an inmate to articulate a response or defense</p>	2/2/2006

Location	The MSDS binder was present and contained an index; however it is not standardized or user friendly.	The Pest Control storage area included a large amount of hornet spray, which was not ordered by the Certified PCT. Only persons certified should be ordering pest control items.	The chemical storage area does not have appropriate signage indicating possible hazard or chemical storage.	MSDS do not include an index and are not user friendly.	A daily/perpetual inventory of chemicals is needed.	A daily/perpetual inventory of chemicals was not completed.	The storage area is not organized. For example, chemicals are stored on the same shelf as food trays, and liquids are stored above solids on shelves.	OPs and/or training documentation are not available.	Sanitizer four is not changed and directions for use are not available.	Labels on secondary containers are incomplete. For example, they do not have hazard warnings.	Used empty containers do not have visible labels and the dates the containers were emptied.	Ant & Bug spray is maintained in a secondary spray bottle without the proper label. Only the PCT should store Ant & Bug spray.	55-gallon drums do not have accumulation start dates on used aerosol cans.	55-gallon drum lid was open and contained used absorbent.
Pest Control	X	X												
Paint Shop (Outside)			X											
Electric Shop (Outside)				X	X									
Garage (Outside)	X													
PIA Warehouse (Outside)			X											
Minimum Yard Kitchen	X		X			X	X							
Minimum Yard Barber Shop	X		X					X	X					
Staff Barber Shop	X							X						
Dorm 21 Minimum Yard	X		X							X				
PIA Laundry	X										X			
PIA Optical	X		X							X				
Bakery	X					X				X		X		
Electric Shop #3 (Inside)	X													
Carpenter Shop (Inside)	X													
Boiler House	X													
Refrigeration Shop	X													
PIA Maintenance	X					X				X			X	X

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF AUDITS AND COMPLIANCE

PROGRAM COMPLIANCE REVIEW

REPORT OF FINDINGS

EDUCATION
COMPLIANCE

RJ DONOVAN

SEPTEMBER 29 THROUGH OCTOBER 3, 2008



CONDUCTED BY

EDUCATIONAL COMPLIANCE BRANCH

EXECUTIVE SUMMARY

OFFICE OF AUDITS AND COMPLIANCE

EDUCATION COMPLIANCE BRANCH REVIEW

Richard J. Donovan Correctional Facility at Rock Mountain

September 29-October 3, 2008

TEAM MEMBERS:

*Raul Romero, Associate Superintendent, OAC
G. Lynn Hada, Principal, OAC
Beverly Penland, Vocational Vice-Principal, OAC
Pat Osbey, Senior Librarian, CRC
Tom Posey, Academic Vice-Principal, OCE-IYO
Mark Lechich, Academic Vice-Principal, OCE-WIA
Sarita Methani, Principal, OCE- EOP
Gary Sutherland, Associate Superintendent, OCE-EOP*

268 Areas Reviewed

CATEGORIES	PERCENTAGE OF COMPLIANCE
Education Administration	46 ÷ 71 = 65%
Academic Education	42 ÷ 62 = 68%
Vocational Education	22 ÷ 38 = 58%
Library/Law Library	25 ÷ 29 = 86%
Federal Programs	64 ÷ 68 = 94%
Special Programs*	N/A %
Total:	199 ÷ 268 = 74%

Your corrective action plan (CAP) must address each of the deficiencies listed below for each category with a score in the table above. The CAP must be submitted to the Superintendent of the Office of Correctional Education for review and/or modification. The CAP then is due to the Office of Audits and Compliance (OAC) for review within 30 days after your receipt of the preliminary report from OAC.

EXECUTIVE SUMMARY

Office of Audits and Compliance

Educational Compliance Branch

ADMINISTRATION SECTION

I. EDUCATION ADMINISTRATION:

65% COMPLIANCE

Deficiency:

#1 Does the Principal maintain a budget tracking system to monitor the school departments' complete budget? Is there an annual spending plan to determine sub-allotments to programs, expenditures and their balance? **No tracking or spending plan was available in the Principal's office.**

#2 Based upon current policy (amount of budget allotted) does it appear that a viable spending plan is in place in order for allocated funds to be fully utilized by year end? **There is no spending plan available.**

#4 Are funds tracked by funding source? General Fund, special Budget Change Proposal funding, Federal and State Grant Programs allocated by Office of Correctional Education? **There are inadequate records available. A file of purchase orders and California Department of Corrections and Rehabilitation (CDCR) Form 954 documents were available.**

#12 Are 100% of the staff job descriptions and duty statements on file and applicable to current position? **Not all duty statements conformed to Office of Correctional Education policies and not all were applicable to teacher's current positions.**

#14 Does the institution have an Operational Procedure for the Education Program? Does it use Department Operation Manual Chapter 10 as an inclusion? **The current Education Operational Procedure was revised in February 2008 but does not make any reference to the Department Operations Manual.**

#16 Are all staff appropriately working and/or assigned within the education program? **Some staff are in incorrect position numbers for their current assignments. Also there are two teachers whose time is spent almost entirely coordinating college programs which is contrary to Office of Correctional Education policy and general funding for Adult Basic Education requirements. While it is understood that college programs are a beneficial and sequential part of the education process, no funds for staff or college materials are included in the general funds by CDCR. It is recommended that the Office of Correctional Education and the Warden support and encourage the funding of Post-Secondary Coordinator positions for each institution to handle distance college and trade school participation. There are also several teachers assigned to handle the education testing process that are not identified by the Office of Correctional Education as approved positions for that specific purpose. It is recommended that the Richard J. Donovan Correctional Facility at Rock Mountain (RJD) Education Department and the Warden work with the Office of Correctional Education to clarify these assignments.**

#18 Is the Bridging Program (Reception Center/General Population/Arts In Corrections) fully staffed with supervisory, instructional and ancillary personnel? **There are three Bridging Education Programs that are closed.**

EXECUTIVE SUMMARY

Office of Audits and Compliance

Educational Compliance Branch

ADMINISTRATION SECTION

#23 *Has an individual been designated to be responsible for trouble-shooting the equipment and contacting Transforming Lives Network for needed support?* **There is no electronic technician assigned to this responsibility.**

#24 *When there is a modified program, class closure, etc., is a plan in place to continue to deliver education services and other required educational activities and is plan always implemented?* **A good plan is in place but it is not always implemented.**

#26 *Is an approved Alternative Education Delivery Model Operational Procedure in place?* **The Operational Procedure was last revised more than two years ago, February 2006.**

#34 *Are Certificates of Vocational or Academic Completion being issued to those students earning them and recorded on a tracking system? Are Certificates of Achievement issued to those students who exit the program before the completion certification is earned?* **No Certificates of Achievements are issued per Office of Correctional Education policies.**

#38 *Does the Academic Vice-Principal/Vocational Vice-Principal provide documented In-Service Training and On-the-Job Training? Have all currently due probationary and annual performance evaluations been completed?* **Some Annual Performance Evaluations are out-of-date, especially those of supervisors.**

#45 *Is there a continuing Western Association of Schools and Colleges process being followed by the school with the action plans being actively addressed in a timely manner? Is there a leadership team in place and do minutes substantiate regular meetings?* **There were no Leadership Team minutes were available for any meetings since the last Western Association of Schools and Colleges Visiting Committee report.**

#46 *Do academic, vocational, Bridging Education Program, Enhanced Outpatient Program and Alternative Education Delivery Model enrollments meet the required program quotas (15:1, 27:1, 54:1, 120:1)?* **No traditional academic class meets the quota per the last Education Monthly Report. Most Bridging Education Program classes are not filled. All vocational classes are under quota.**

#51 *Are all Bridging Education Program eligible inmates receiving an education orientation packet upon arrival to the housing unit?* **Packets have not been given to inmates for some time. Packet distribution was restarted on October 2, 2008.**

#52 *Has the Transforming Lives Network satellite dish been installed and operational?* **The Transforming Lives Network satellite dish is only sporadically operational.**

#53 *Is the Literacy Coordinator (Academic Vice-Principal) designated as the Transforming Lives Network Coordinator?* **There is no person designated as the Transforming Lives Network Coordinator.**

EXECUTIVE SUMMARY

Office of Audits and Compliance

Educational Compliance Branch

ADMINISTRATION SECTION

#57 *Is there an Inmate Education Advisory Committee established with regularly scheduled monthly meetings?* **Regularly scheduled monthly meeting minutes were not available.**

#58 *Do all of the quarterly CDCR Form 128E and Form 154 (and/or other official student school transcripts) reports contain current and appropriate information that includes credits earned, course completions? Does the appropriate instructional staff sign all of the above reports? (Supervisory staff when instructional staff is not available) Does supervisory staff (Academic Vice-Principal/Vocational Vice-Principal) review these reports?* **Not all CDCR Form 154 cards were correctly completed.**

#59 *Are Education Files with a copy of the Record of Inmate Achievement (CDCR Form 154) transferred to Central Records when a student leaves education, transfers or paroles? Is the original copy of the Record of Inmate Achievement (CDCR Form 154 or High School Transcript) kept in the Education Office files in perpetuity? Are Education Files prepared for all assigned inmates? Are Bridging Education Program Education Files prepared for all assigned bridging students in the RC and transferred to the GP receiving institution?* **There is no copy of the CDCR Form 154 cards kept on file.**

#61 *Are literacy programs available to at least 60% of the eligible prison population?* **Per the Education Monthly Report for September 2008 only 12 percent of the eligible prison population has literacy programs available to them.**

#64 *Is the institution utilizing at least two alternate resources to implement literacy services for inmates?* **There is only one alternate resource utilized.**

#65 *Is there an established procedure for placing students into any existing Learning Literacy (LLL) lab? (a federally or non-federally funded Computer-Aided Instruction/Plato/Computer Lab)* **The Literacy Learning Lab is a completely voluntary program.**

#74 *Is there an Recidivism Reduction Strategy expenditure tracking log maintained by the Principal for the purposes of identifying equipment or materials purchase or provided to the institution for assessments as identified in the Recidivism Reduction Strategy Budget Change Proposal (BCP)? Are inventories of Recidivism Reduction Strategy equipment maintained and current?* **No inventory is maintained.**

#77 *Has the Enhanced Outpatient Program Teacher(s) received training in performing the required duties as described in the Enhanced Outpatient Program Duty Statement?* **No training has been provided to date. Statewide mandatory training will be provided soon since funding has just been received.**

EXECUTIVE SUMMARY

Office of Audits and Compliance

Educational Compliance Branch

ACADEMIC EDUCATION SECTION

II. ACADEMIC EDUCATION:

68% COMPLIANCE

Deficiency:

#6 Are Certificates of Completion or Achievement being issued to those students earning them? **Certificates of Achievement as described and designated by the Office of Correctional Education policy have not been issued. The Office of Correctional Education memo detailing requirements for certificates of completion and certificates of achievement will be distributed to all teachers.**

#8 Are the required and/or elective credits in the academic subject being taught issued to inmates and recorded on the transcript? **Efforts at the Office of Correctional Education as well as the local level are still underway to address the credits as well as transcript issues.**

#11 Are the Test of Adult Basic Education and Comprehensive Adult Student Assessment System being administered to Bridging Education Program Students? Are other assessments being used to assess the inmate job skills? **All the bridging teachers had the vast majority of test scores for the Test of Adult Basic Education with only a few students without a test score. Some teachers indicated they would request the student to be tested by one of the testing teachers. It is recommended that, if there is some reason that there is no test score or a delay in testing, the reason should be noted on the student's documentation. The Comprehensive Adult Student Assessment System is administered to the students.**

#17 Are Test of Adult Basic Education testing protocols signed by current staff? **No one was able to locate a signed copy of the testing protocols.**

18 Are the Test of Adult Basic Education testing materials secured in a locked cabinet (mandatory standards)? **All the test material located at the main testing location was secured according to the mandatory testing standards. However, there are test materials located in satellite areas but there was no approval from the Office of Correctional Education for an exemption from the mandatory standards. They have a checkout system for test books at all locations along with an inventory.**

#19 Is a master inventory of Test of Adult Basic Education test booklets and answer sheets maintained by the testing coordinator? **No one was aware they were required to inventory the answer sheets but they will do so in the future. They currently use both manual and computerized inventories of the test books. They also use a check-out and check-in system of test books for accountability. It was suggested that an inventory of the answer sheets be maintained by starting with the total number of answer sheets and subtracting from the original total as they are use to ensure an accurate inventory.**

EXECUTIVE SUMMARY

Office of Audits and Compliance

Educational Compliance Branch

ACADEMIC EDUCATION SECTION

#20 Is the Test of Adult Basic Education binder current and up-to-date with memos, purchase orders and instructions? **There was no binder that contains the various memos and documentation used for clarification, accountability and procedures for the Test of Adult Basic Education testing. However, the Testing Coordinator did have the help binders that were issued, along with some of the documentation in file folders.**

#21 Is the Test of Adult Basic Education locator being used when needed to determine which level appropriate Test of Adult Basic Education test to administer? **The Test of Adult Basic Education locator test is available but is not used by any of the staff. They use a one-page questionnaire they have developed instead of the Test of Adult Basic Education Locator test to determine the appropriate test level to be administered. The teachers think it saves time and gives a good indication of the appropriate test level.**

#22 Are teachers testing within 10 days of the student's initial entry into the classroom, as well as quarterly testing based on the Test of Adult Basic Education matrix? **All students are not being tested within ten days of the student's initial entry into the classroom; the quarterly testing, as well, is not based on the Test of Adult Basic Education matrix.**

#23 Are the Test of Adult Basic Education tests administered according to the testing matrix? **All the Test of Adult Basic Education tests are not administered according to the testing matrix. One example is the RJD School Program Assessment Report for the 2008 2nd Testing Quarter indicates that only 4.0% of pre-tested students were post tested.**

#24 Is the Test of Adult Basic Education locator being used when needed to determine which level appropriate Test of Adult Basic Education test to administer? **There was no evidence that the Test of Adult Basic Education locator test is being used, when needed, to determine which level-appropriate Test of Adult Basic Education test to administer in any of the classrooms.**

#29 Are the Television Specialist and Distance Learning Study Teacher developing a Distance Learning Study Channel schedule of courses, with dates and times, posted in public areas for inmates to review and complete their assignments? **The Television Specialist reported to work on Monday, September 22, 2008. The TV Specialist is planning to address and implement all requirements in accordance to his duty statement and Alternative Education Delivery Models requirements. It is recommended that the Television Specialist be allowed to retain his current work space/office.**

EXECUTIVE SUMMARY

Office of Audits and Compliance

Educational Compliance Branch

ACADEMIC EDUCATION SECTION

#30 Does the Television Specialist plan, supplement and implement electronic educational coursework with the Distance Learning Study teacher, utilizing the Transforming Lives Network and airing educational programs such as the Kentucky Educational TV General Education Development series on a weekly basis? **The Television Specialist reported to work on Monday, September 22, 2008. The TV Specialist is planning to address and implement all requirements in accordance to his duty statement and Alternative Education Delivery Models requirements. It is recommended that the Television Specialist be allowed to retain his current work space/office.**

#31 Are teachers awarding inmates certificates for achievement/completion in Alternative Education Delivery Model programs? **Certificates of Achievement are being issued, but not in accordance with Office of Correctional Education policy. Copies of the certificate policy memos will be passed out to all teachers.**

#36 Are teachers testing inmates within 10 days of being enrolled or assigned to Alternative Education Delivery Model program? Are the inmates' Test of Adult Basic Education subtest results analyzed by the teacher for appropriate Alternative Education Delivery Model lesson/class placement? **The Alternative Education Delivery Model Independent Study Teachers have just begun Test of Adult Basic Education testing (full battery) the GED/HSD students. They will continue to follow the Office of Correctional Education policy as the testing requirements are for Alternative Education Delivery Model teachers with a 120 student quota.**

#64 Are alternate modalities available for use within the housing units for the distant learning program? For example, video, Transforming Lives Network, institutional television, visual worksheets, etc.? **The Education Department has an Education Channel that provides alternative educational programming. However, the Transforming Lives Network has been broadcast sporadically due to Satellite Dish problems. Transforming Lives Network enrollment has not been an Education Department priority. The Television Specialist will work closely with the Distance Learning teachers to improve the delivery of educational services using audio-visual delivery systems including video production using teachers for lesson presentations.**

#65 Is the television specialist recording Transforming Lives Network broadcasting and archiving copies for re-broadcast and individual teacher access? **The Television Specialist reported to work on Monday, September 22, 2008.**

#66 Is the television specialist setting up a broadcast schedule for the school and distributing that schedule to the school faculty? **The Television Specialist reported to work on Monday, September 22, 2008.**

#67 Are school faculty members given the opportunity to provide input into the broadcast schedule? **The Television Specialist reported to work on Monday, September 22, 2008.**

EXECUTIVE SUMMARY

Office of Audits and Compliance

Educational Compliance Branch

VOCATIONAL EDUCATION SECTION

III. VOCATIONAL EDUCATION:

58% COMPLIANCE

Deficiency:

#2 Do all of classroom files reflect Test of Adult Basic Education scores that are not over six months old for students under the CDCR Literacy Plan and Office of Correctional Education Test of Adult Basic Education testing criteria? **Most of the files had current scores. Some had no scores but indicated they would be testing in the near future. The student files also indicated that some students were in the class a month to three months without a full battery Test of Adult Basic Education score.**

#6 Are elective credits in the designated vocational subject being issued to inmates and recorded on the transcript? **The teachers were not aware that they can give elective credits to the students in their programs.**

#7 Are Trade/Industry Certifications being issued and recorded to those students earning them? **The teachers that have not received training from the Office of Correctional Education for the National Center for Construction Education and Research are unable to issue industry certifications. The electronic program however, is active in providing C-Tech certification to student in his programs.**

#13 Are all of the vocational programs that have a nationally recognized certification programs participating in that program? **The teachers with National Center for Construction Education and Research programs have not received training from the Office of Correctional Education and are unable to issue National Center for Construction Education and Research certifications. The electronic program however, is active in providing C-Tech certification to qualifying students in his programs.**

#15 Is all the National Center for Construction Education and Research accreditation guidelines for Standardized Training being used? **The teachers with National Center for Construction Education and Research programs have not received training from the Office of Correctional Education and are unable to issue National Center for Construction Education and Research certifications. The teachers, however, are providing student training to the best of their ability without the benefits of receiving training in National Center for Construction Education and Research guidelines and the testing procedures, paperwork and documentation requirements.**

#18 Are all of the building trade instructors currently National Center for Construction Education and Research Certified Instructors and have attended the Instructor Certification Training Program (ICTP)? **The Office of Correctional Education has not provided the teachers with National Center for Construction Education and Research training.**

EXECUTIVE SUMMARY

Office of Audits and Compliance

Educational Compliance Branch

VOCATIONAL EDUCATION SECTION

#19 Are all of the craft instructors maintaining and conducting record keeping as outlined in the National Center for Construction Education and Research Accreditation Guidelines? **The Office of Correctional Education has not provided the teachers with National Center for Construction Education and Research training and the teachers are not trained in the use of the National Center for Construction Education and Research guidelines**

#20 Are all of the instructors maintaining the confidentiality and maintain restricted access to inmate social security numbers used on the National Center for Construction Education and Research Form 200's? **The Office of Correctional Education has not provided the teachers with National Center for Construction Education and Research training. The teachers are familiar with security and confidentiality in record keeping.**

#22 Are all of the students evaluated based on a 70% minimum passing score on National Center for Construction Education and Research written examinations? **The Office of Correctional Education has not provided the teachers with National Center for Construction Education and Research training. The teachers do not have use of the National Center for Construction Education and Research test generator until they have been trained in National Center for Construction Education and Research procedures and requirements.**

#23 Are those students that fail a National Center for Construction Education and Research written test or practical exam required to wait a minimum of 48 hours prior to being retested? **The Office of Correctional Education has not provided the teachers with National Center for Construction Education and Research training and the teachers are not using National Center for Construction Education and Research test materials.**

#25 Are all National Center for Construction Education and Research performance evaluations conducted for each module and a record of the Performance Profile Sheet maintained? **The teachers have not received training from the Office of Correctional Education on the procedures and documentation required for National Center for Construction Education and Research certification.**

#26 Upon successful completion of the National Center for Construction Education and Research written and performance evaluation, is the instructor documenting and submitting the Form 200 to the Unit Training Representative (UTR) for signature and forwarding to Office of Correctional Education? **The Office of Correctional Education has not provided the teachers with National Center for Construction Education and Research training. The teachers require training and certification before they may submit documentation to National Center for Construction Education and Research.**

EXECUTIVE SUMMARY

Office of Audits and Compliance

Educational Compliance Branch

VOCATIONAL EDUCATION SECTION

#28 Are teachers testing within three days of the student's initial entry into the classroom, as well as quarterly testing based on the Test of Adult Basic Education matrix? **The teachers are just now beginning to test their students and have been notified that the incoming students are to be tested within 10 working days of initial arrival in class. In the past the testing staff had tested all the inmates and some students did not receive the full battery test until several months after assignment.**

#29 Are the Test of Adult Basic Education tests administered according to the testing matrix? **The teachers were aware of a Test of Adult Basic Education test matrix but not totally clear when testing should occur. All the Test of Adult Basic Education testing in the past was conducted by the testing staff.**

#30 Is the Test of Adult Basic Education locator being used when needed to determine which level appropriate Test of Adult Basic Education test to administer? **The teachers were not familiar with the Test of Adult Basic Education locator test. In the past the testing staff has tested their students.**

#40 Does the instructor have a documented, Trade Advisory Committee (TAC) that meets at least quarterly? **There were no records of any TAC meetings held. The teachers are recent hires and are working on recruiting TAC members. Due to contract issues the teachers are unable to visit or attend TAC meetings during student contact time as there is no relief coverage. Additionally, none of the teachers have an outside phone line to contact current or future TAC members.**

EXECUTIVE SUMMARY
Office of Audits and Compliance **Educational Compliance Branch**
LIBRARY/LAW LIBRARY SECTION

IV. LIBRARY/LAW LIBRARY:

86% COMPLIANCE

Deficiency:

#11 Are law library discs checked in by the Associate Information Specialist Analyst? If not, who checks them in? **The Senior Librarian receives the discs.**

#14 Does each library in the institution have a current world almanac, an atlas that is no more than three (3) years old, an English language dictionary that is no more than five (5) years old, and a Spanish and English dictionary that is no more than ten (10) years old? **The current World Almanacs have been ordered for each library, but have not been received yet.**

#19 Have all books purchased through the Recidivism Reduction Strategy funds been received, shelved, and inmate use tracked? **Inmate use of books purchased through Recidivism Reduction Strategies funds is not tracked.**

#24 Is a procedure for accessing the Circulating Law Library in place? **There is no circulating law library due to the non-renewal of the contract.**

EXECUTIVE SUMMARY
Office of Audits and Compliance Educational Compliance Branch
FEDERAL GRANT PROGRAMS SECTION

V. FEDERAL PROGRAMS:

94% COMPLIANCE

Workforce Investment Act Program:

Deficiency:

#9 Is the Literacy Learning Lab a “self contained” program? **No, it is a pull-out/voluntary program.**

#16 Is there a current Student Job Description on file? **The Federal Education Grievance Procedure forms are not included in Student Job Description. Memo dated June 23, 2006.**

#23 Do students spend an average of six months of instructional time enrolled in the program? **Students stay on the average of four to six months.**

#27 Have you participated in conferences, workshops and seminars from July 1, 2007–December 31, 2008? If so, provide a list. **Mr. Macfie is new to the Literacy Learning Lab.**

Incarcerated Youth Offender Program:

Deficiency:

No Deficiencies noted.

EXECUTIVE SUMMARY
Office of Audits and Compliance Educational Compliance Branch
SPECIAL PROGRAMS SECTION

IV. SPECIAL PROGRAMS:	N/A	COMPLIANCE
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OVERALL COMPLIANCE RATING: 74%.

Administrative staff is apprised that the ratings presented are to be considered tentative, and are subject to change pending final review by the Assistant Secretary, Office of Audits and Compliance. Significant changes in ratings will be documented with full explanations and forwarded to the Warden within 15 working days after the conclusion of the Compliance Review.

G. Lynn Hada, Principal

October 3, 2008

Raul Romero, Associate Superintendent

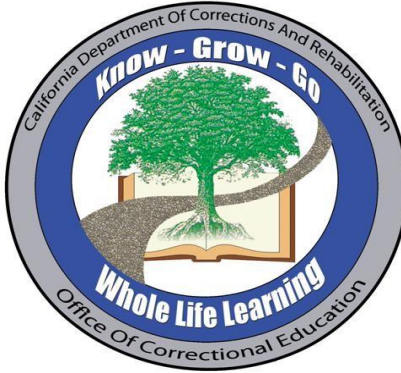
October 3, 2008

* Denotes Developmental Disabilities Program (Clark Remedial Plan) and Physical Disabilities Program (Armstrong)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

OFFICE OF AUDITS AND COMPLIANCE

EDUCATIONAL COMPLIANCE BRANCH



COMPLIANCE REVIEW FINDINGS

Richard J. Donovan Correctional Facility

September 29 through October 3, 2008

ADMINISTRATION

G. Lynn Hada

ACADEMIC EDUCATION

Beverly Penland, Raul Romero, Mark Lechich

VOCATIONAL EDUCATION

Beverly Penland

LIBRARY

Pat Osbey

FEDERAL SUPPLEMENTARY PROGRAMS

Gary Sutherland

Mark Lechich

Tom Posey

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

No.	INSTITUTION: Richard J. Donovan Correctional Facility at Rock Mountain (RJD) DATE: September 29-October 3, 2008 COMPLIANCE TEAM: G. Lynn Hada	Yes/No or NA	COMMENTS
1.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Allotments/Operating Expenses:</div> <ul style="list-style-type: none"> Does the Principal maintain a budget tracking system to monitor the school departments' complete budget? Is there an annual spending plan to determine sub-allotments to programs, expenditures and their balance? 	No	No tracking or spending plan was available in the Principal's office.
2.	Based upon current policy (amount of budget allotted) does it appear that a viable spending plan is in place in order for allocated funds to be fully utilized by year end?	No	There is no spending plan available.
3.	Are funds allocated by Office of Correctional Education available and spent within program areas?	Yes	
4.	Are funds tracked by funding source? General Fund, special Budget Change Proposal funding, Federal and State Grant Programs allocated by Office of Correctional Education?	No	There are inadequate records available. A file of purchase orders and California Department of Corrections and Rehabilitation (CDCR) Form 954 documents were available.
5.	Are allocated funds for the Bridging Education Programs, including Arts In Corrections (AIC), used to provide program services to inmates?	Yes	

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

6.	Are law library purchases funded by the institution's general budget?	Yes	<p>This item is no longer applicable to the institution. It has been moved to a higher level. The following statement indicates that Office of Correctional Education is attempting to get the Law Library designated funds moved to Program 45 and the CDCR Agency Secretary has been briefed on the problem. The Office of Correctional Education Superintendent on July 3, 2008 provided the following written statement and Budget Change Letter #3 spreadsheet via an email; <i>"Here is the distribution to the field of funding for both 06/07 and 07/08 Gilmore collection. We have already processed the 08/09 purchases out of our office and they are currently in Procurement. As the 08/09 budget has not been signed we don't have initial 08/09 allotment to the field. The funding in this BC3 is from Program 45 —not the institution Program 25 funds. The Financial Information Memorandum permanently moving Library to education in 2006 is still valid. Due to lack of designated funds we're flagged this to Office of Attorney General and Office of Court Compliance. Furthermore we've briefed Matt Cate and have written a proposal for the funding."</i></p>
7.	Is the school following the Education Hiring Steps and Responsibilities memo and matrix dated July 13, 2006 instructions when filling vacancies?	Yes	
8.	Are the Education Monthly Report and the Education Daily Report accurate and being completed and submitted on a timely basis?	Yes	

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

9.	Has adequate space and equipment been provided for staff to perform the required duties of the Reception Center/Bridging Education Program, Arts In Corrections program and the Television Specialist?	Yes	
10.	<div style="border: 1px solid black; padding: 2px;">Credentials:</div> Are all instructional and supervisory staff credentialed appropriately within subject matter area where they are assigned?	Yes	
11.	Does the assigned bridging staff hold appropriate credentials and/or placed in the appropriate Re-Entry classification?	Yes	
12.	<div style="border: 1px solid black; padding: 2px;">Duty Statements:</div> Are 100% of the staff duty statements on file and applicable to current position?	No	Not all duty statements conformed to Office of Correctional Education policies and not all were applicable to teacher's current positions.
13.	<div style="border: 1px solid black; padding: 2px;">Operational Procedures:</div> Does the institution have an Operational Procedure that addresses the legislative mandates of the Bridging Education Program?	Yes	Although the Operational Procedure references Department Operations Manual Chapter 5 rather than the correct Chapter 10. This revision of the Department Operations Manual was completed in April 2007. The Operational Procedure was been revised in July 2008.
14.	<ul style="list-style-type: none"> Does the institution have an Operational Procedure for the Education Program? Does it use Department Operation Manual Chapter 10 as an inclusion? 	No	The current Education Operational Procedure was revised in February 2008 but does not make any reference to the Department Operations Manual.
15.	<div style="border: 1px solid black; padding: 2px;">Staff Assignments:</div> Does the Principal maintain a current and complete list of all authorized positions and their status?	Yes	

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

16.	Are all staff appropriately working and/or assigned within the education program?	No	Some staff are in incorrect position numbers for their current assignments. Also there are two teachers coordinating almost entirely college programs contrary to Office of Correctional Education policy and general funding for Adult Basic Education requirements. While it is understood that college programs are a beneficial and sequential part of the education process, no funds for staff or college materials are included in the general funds by CDCR. It is recommended that the Office of Correctional Education and the Warden support and encourage the funding of Post-Secondary Coordinator positions for each institution to handle distance college and trade school participation. There are also several teachers assigned to handle the education testing process that are not identified by the Office of Correctional Education as approved positions for that specific purpose. It is recommended that the RJD Education Department and the Warden work with the Office of Correctional Education to clarify these assignments.
17.	Do all staff within the education program report to, and are under the Principal's supervision?	Yes	
18.	Is the Bridging Education Program Reception Center/General Population/Arts In Corrections fully staffed with supervisory, instructional and ancillary personnel?	No	There are three Bridging Education Programs that are closed.
19.	Are Re-Entry Program instructors, class code 7581, assigned only to the Bridging Education Program (BEP)?	Yes	

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

20.	When Bridging Education Program vacancy occurs, is it immediately reclassified to class code 2290 Teacher, High School, General Education?	Yes	
21.	Has the Artist Facilitator been officially assigned to the Education Department?	Yes	
22.	Is there a system in place that is being utilized to ensure the tracking of inmates and their completed assignments during their transition from the Reception Center to the General Population Institution?	Yes	
23.	Has an individual been designated to be responsible for trouble-shooting the equipment and contacting Transforming Lives Network for needed support?	No	There is no electronic technician assigned to this responsibility.
24.	When there is a modified program, class closure, etc., is a plan in place to continue to deliver education services and other required educational activities and is the plan always implemented?	No	A good plan is in place but it is not always implemented.
25.	Is the Assessment Office Assistant (OA) performing duties delineated in the Assessment OA duty statement?	Yes	
26.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Alternative Education Delivery Model:</div> Is an approved Alternative Education Delivery Model Operational Procedure in place?	No	The Operational Procedure was last revised more than two years ago, February 2006.
27.	Are all of the Alternative Education Delivery Models being locally implemented at the institution in agreement with the California Correctional Peace Officers Association agreement and the institutional Operational Procedure per the Suzan Hubbard memo dated May 5, 2005?	Yes	This agreement was amended, signed and approved by the Warden and the Office of Correctional Education Superintendent on May 26, 2006.
28.	Are all Alternative Education Delivery Model positions filled?	Yes	
29.	Do all Alternative Education Delivery Model faculties have the approved Alternative Education Delivery Model Duty Statement with required signatures?	Yes	

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

30.	Are Alternative Education Delivery Model inmate enrollments/assignments being made based on eligibility criteria of the enrollments/assignment as defined in the course descriptions and guidelines?	Yes	
31.	<ul style="list-style-type: none"> Are all Alternative Education Delivery Model Programs operating as full-time programs that meet the program-wide quotas? Are all approved Alternative Education Delivery Model faculty schedules posted? 	Yes	
32.	<div style="border: 1px solid black; padding: 2px;">Gender Responsive Strategies:</div> <p>Has all education staff received Gender Responsive Strategies training provided by the Female Offender Programs (FOP) institutional administration?</p>	N/A	
33.	Are female inmates' vocational assignments being made based on the eligibility criteria of the vocational assignment as defined in the course descriptions and vocational guidelines?	N/A	
34.	<div style="border: 1px solid black; padding: 2px;">Certificates of Completion or Achievement:</div> <ul style="list-style-type: none"> Are Certificates of Vocational or Academic Completion being issued to those students earning them and recorded on a tracking system? Are Certificates of Achievement issued to those students who exit the program before the Certification of Completion is earned? 	No	No Certificates of Achievements are issued following Office of Correctional Education policies.
35.	<div style="border: 1px solid black; padding: 2px;">Executive/Supervisory Assignments:</div> <p>Are documented staff meetings held regularly by Principal, Academic Vice-Principal, and Vocational Vice-Principal? (monthly or more)</p>	Yes	
36.	Is the Principal a member of the Warden's Executive Staff?	Yes	
37.	Does all supervisory staff conduct and record classroom visitations and observations on a quarterly basis?	Yes	

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

38.	<ul style="list-style-type: none"> Does the Academic Vice-Principal/Vocational Vice-Principal provide documented In-Service-Training and On-the-Job-Training? Are all probationary and annual performance evaluations currently due completed? 	No	Some Annual Performance Evaluations are out-of-date, especially those of supervisors.
39.	Are supervisors documenting contact with staff and inmates involved in the bridging program?	Yes	
40.	Are Transforming Lives Network quarterly reports being submitted to Office of Correctional Education by the due dates of Oct. 10, January 10, April 10 and July 10?	N/A	There are no enrollments in the Transforming Lives Network programs.
41.	<div style="border: 1px solid black; padding: 2px;">Test of Adult Basic Education:</div> <ul style="list-style-type: none"> Is the Principal trouble shooting Test of Adult Basic Education score losses identified on the School Program Assessment Report Card? Is the principal implementing remedial changes to improve the scores? 	Yes	
42.	Is there a 4.0 reading level report generated and distributed to appropriate staff?	Yes	
43.	Is a list of inmates who have a verified Learning Disability generated and distributed to appropriate staff?	Yes	
44.	<div style="border: 1px solid black; padding: 2px;">Accreditation:</div> <p>Has the education program been accredited by Western Association of Schools and Colleges, or has the application for accreditation been submitted to Western Association of Schools and Colleges?</p>	Yes	
45.	<ul style="list-style-type: none"> Is there a continuing Western Association of Schools and Colleges process being followed by the school with the action plans being actively addressed in a timely manner? Is there a leadership team in place and do minutes substantiate regular meetings? 	No	There are no Leadership Team minutes available for any meetings since the last Western Association of Schools and Colleges Visiting Committee report.

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

46.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Inmate Enrollment/Attendance:</div> <p>Do Academic, Vocational, Bridging Education Program, Enhanced Outpatient Program and Alternative Education Delivery Model enrollments meet the required program quotas (15:1, 27:1, 54:1, 120:1)?</p>	No	No traditional academic class meets the quota per the last Education Monthly Report. Most Bridging Education Program classes are not filled. All vocational classes are under quota.
47.	Has the Institution developed an eligibility list for assigning inmates to the Bridging Education Program?	Yes	
48.	Does the Principal maintain a copy of the current inmate assignment waiting list?	Yes	
49.	Is education staff attending Institution Classification Committee (ICC) meetings for input into the placement of inmates into education programs?	Yes	
50.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Bridging Program:</div> <p>Has the teaching staff met with each inmate upon assignment to the Bridging Education Program?</p>	Yes	
51.	Are all Bridging Education Program eligible inmates receiving an education orientation packet upon arrival to the housing unit?	No	Packets have not been given to inmates for some time. Packet distribution was restarted on October 2, 2008.
52.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Transforming Lives Network:</div> <p>Has the Transforming Lives Network satellite dish been installed and operational?</p>	No	The Transforming Lives Network satellite dish is only sporadically operational.
53.	Is the Literacy Coordinator (Academic Vice-Principal) designated as the Transforming Lives Network Coordinator?	No	There is no person designated as the Transforming Lives Network Coordinator.
54.	Do the number of inmates being enrolled and the number completing Transforming Lives Network courses agree with the numbers reported to Office of Correctional Education?	N/A	
55.	Has Transforming Lives Network enrollment and completion data been tracked?	N/A	There are no inmates enrolled in Transforming Lives Network programs.

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

56.	GED Testing/High School Credit: <ul style="list-style-type: none"> • Is there a High School credit program and General Educational Development (GED) Testing program that follows Office of Correctional Education and State requirements? • Are High School Diplomas and GED Equivalency Certificates issued to qualified inmates? 	Yes	
57.	Inmate Education Advisory Committee: <p>Is there an Inmate Education Advisory Committee established with regularly scheduled monthly meetings?</p>	No	Regularly scheduled monthly meeting minutes were not available.
58.	Education Files <ul style="list-style-type: none"> • Do all of the quarterly CDCR Form 128E and Form 154 (and/or other official student school transcripts) reports contain current and appropriate information that includes credits earned, course completions, etc.? • Does the appropriate instructional staff sign all of the above reports? (Supervisory staff when instructional staff is not available.) • Does supervisory staff (Academic Vice-Principal/Vocational Vice-Principal) review these reports? 	No	Not all CDCR Form 154 cards were correctly completed.
59.	<ul style="list-style-type: none"> • Are Education Files with a copy of the Record of Inmate Achievement (CDCR Form 154) transferred to Central Records when a student leaves education, transfers or paroles? • Is there a copy of the Record of Inmate Achievement (CDCR Form 154 or High School Transcript) kept in the Education Office files in perpetuity? • Are Education Files prepared for all assigned inmates? • Are Bridging Education Program Education Files prepared for all assigned bridging students in the Reception Center and are they then transferred to the General Population receiving institution? 	No	There is no copy of the CDCR Form 154 cards kept on file.
60.	If there are any contracted, Office of Correctional Education sponsored or special programs operating at the institution, have the teachers assigned to these programs received special/related training?	N/A	

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

61.	Literacy: Are literacy programs available to at least 60% of the eligible prison population?	No	Per the Education Monthly Report for September 2008 only 12% of the eligible prison population has literacy programs available to them.
62.	Is there an active Site Literacy Committee that meets and documents quarterly meetings, and is it coordinated by the Principal or an Academic Vice-Principal?	Yes	
63.	Does the Site Literacy Committee discuss the Bridging Education Program as part of its quarterly meetings?	Yes	
64.	Is the institution utilizing at least two alternate resources to implement literacy services for inmates?	No	There is only one alternate resource utilized.
65.	Is there an established procedure for placing students into any existing Learning Literacy (LLL) lab? (a federally or non-federally funded Computer Aided Instruction /Plato/Computer Lab)	No	The Literacy Learning Lab is a completely voluntary program.
66.	Developmental Disability Program and Disability Placement Program: If this is a Developmental Disability Program and/or a Disability Placement Program site, does the principal have the required documentation that demonstrates adherence to the Court Remedial Plans and CDCR/Office of Correctional Education policies?	N/A	
67.	ESTELLE/Behavior Modification Programs: Is documentation available regarding the original operational intent/concept of the Estelle/Behavior Modification Unit Program and are there actual implementations of the program/programs?	N/A	
68.	Is there an Estelle/Behavior Modification Unit Program monitoring and tracking process in place to record to record student progress through achievement/progress, data collection, instructional methods, and curriculum?	N/A	

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

69.	Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) – Risk and Needs Assessment: Is there an approved COMPAS Risk and Needs Assessment Operational Procedure (OP)?	Yes	
70.	Are all Recidivism and Reduction Strategy (RRS) Assessment positions filled (part of Correctional Offender Management Profiling for Alternative Sanctions)?	Yes	
71.	Are all other designated assessment positions filled? Is there a designated supervisor over the COMPAS Risk and Needs Assessment Program?	Yes	
72.	Do all designated assessment staff have an individual COMPAS log-on code? Is the security of the code maintained?	Yes	
73.	Does the assessment staff maintain appropriate security of laptop and/or stand-alone computers utilized for the COMPAS Risk and Needs Assessment Program?	Yes	The laptops were required to be sent back to HQ.
74.	Recidivism Reduction Strategies: <ul style="list-style-type: none"> Is there a Recidivism Reduction Strategies expenditure tracking log maintained by the Principal for the purposes of identifying equipment or materials purchase or provided to the institution for assessments as identified in the Recidivism Reduction Strategies Budget Change Proposal (BCP)? Are inventories of Recidivism Reduction Strategies equipment maintained and current? 	No	No inventory is maintained.
75.	Recidivism Reduction Strategies Enhanced Outpatient Program: Are all Enhanced Outpatient Program staff hired and in place?	Yes	
76.	Does the Principal (via the Academic Vice-Principal) supervise the Enhanced Outpatient Program Teacher(s) in accordance with CDCR policy?	Yes	

COMPLIANCE REVIEW FINDINGS

EDUCATION ADMINISTRATION SECTION

77.	Have the Enhanced Outpatient Program Teacher(s) received training in performing the required duties as described in the Enhanced Outpatient Program Duty Statement?	No	No training has been provided to date. Statewide mandatory training will be provided soon since funding has just been received.
78.	<div style="border: 1px solid black; padding: 2px;">Multi-Agency Re-entry Program (SB 618):</div> Has the institution interviewed and hired for the Prison Case Manager positions as members of the Multi-Disciplinary team?	Yes	
79.	Are the four vocational programs referenced in Senate Bill 618 in place at the institution?	Yes	
80.	Has a documentation process been established to monitor inmate contact time as well as inmate growth and completion of program?	Yes	
81.	<div style="border: 1px solid black; padding: 2px;">Vocational-Recidivism Reduction Strategies</div> Are all original vocational Recidivism Reduction Strategies (RRS) teacher positions filled and are all classrooms operating?	N/A	
82.	Are all Recidivism Reduction Strategies vocational classes at full enrollment?	N/A	

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

NO.	INSTITUTION: RJD DATE: September 29-October 3, 2008 COMPLIANCE TEAM: Beverly Penland, Raul Romero, Mark Lechich	Yes/No or N/A	COMMENTS
1.	<div style="border: 1px solid black; padding: 2px;">Student Job Descriptions:</div> <p>Are all of the inmate students' job descriptions accurate, complete, signed, and available?</p>	Yes	
2.	<div style="border: 1px solid black; padding: 2px;">Student Records/Achievements:</div> <p>Do all the of classroom files reflect Test of Adult Basic Education scores that are being administered according to the quarterly testing matrix and that are not over six months old for students under the CDCR Literacy Plan criteria and Office of Correctional Education Test of Adult Basic Education testing requirements?</p>	Yes	The files reviewed have current test scores. However, some teachers reported that there are times that some students are not tested within the required ten days due to lockdowns as well as inability to get testing materials to their area.
3.	Are all of the CDCR Form 128E chronological reports, classroom records and timekeeping documents, current, accurate, and secure?	Yes	
4.	Is 100% of the CDCR curriculum recording system in-use, accurate, and current?	Yes	The curriculum recording was evident in the student files. However, teachers should be monitored by Vice-Principals to ensure that the recording is done as soon as a student completes an assignment.
5.	Do 100% of the Permanent Class Record Cards (CDCR Form 151) reflect the minimum student contact time of 6.5 hours x-time or 8.5 hours of x-time for 4-10 programs for traditional classes?	Yes	Teachers indicated that students must arrive within 15 minutes of start time to avoid the recording of Security Time on student timekeeping documents.
6.	Are Certificates of Completion or Achievement being issued to those students earning them?	No	Certificates of Achievement as described and designated by the Office of Correctional Education policy have not been issued. The Office of Correctional Education memo detailing requirements for certificates of completion and certificates of achievement will be distributed to all teachers.

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

7.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Instructional Expectations:</div> <p>Do all of the academic education classes have lesson plans that agree with the CDCR approved curriculum?</p>	Yes	
8.	<p>Are the required and/or elective credits in the academic subject being taught issued to inmates and recorded on the transcript?</p>	No	<p>Efforts at the Office of Correctional Education as well as the local level are still underway to address the credits as well as transcript issues.</p>
9.	<p>Do all of the academic education classes have course outlines that agree with the CDCR approved curriculum?</p>	Yes	<p>Some of the teachers are not providing copies of the course outline (syllabus) to students. It is recommended that education supervisors ensure that all students receive the course outline so that students know what is expected of them within each of the academic and vocational classrooms.</p>
10.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Bridging Education Program Instructional Expectations:</div> <p>Is each teacher utilizing the established curriculum for Bridging Education Program and does each teacher have a copy of the curriculum?</p>	Yes	
11.	<p>Are the Test of Adult Basic Education and Comprehensive Adult Student Assessment System being Administered to Bridging Students? Are other assessments being used to assess the inmate job skills?</p>	No	<p>All the bridging teachers had the vast majority of test scores for the Test of Adult Basic Education with only a few students without a test score. Some teachers indicated they would request the student to be tested by one of the testing teachers. It was recommended that if there was a reason there was no test score or a delay in testing to note it on the student's documentation. The Comprehensive Adult Student Assessment System is administered to the students.</p>

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

12.	Does the Bridging Education Program teacher utilize the proper Permanent Class Record Card (CDCR Form 151) and is it up to date and accurate?	Yes	
13.	Has the Bridging Education Program teacher developed a written weekly schedule to include student programs and contacts?	Yes	All the teachers have a schedule which is adjusted to external issues daily. They received a daily report of the areas that are closed and an update of bed moves. They are able to make contact more efficiently knowing what areas are unavailable and where their student is housed.
14.	<div> Test of Adult Basic Education Testing Coordinator: </div> Are gain/loss reports (School Progress Assessment Report Card) and the Test of Adult Basic Education sub-test reports reviewed/shared with the education supervisors?	Yes	The Testing Coordinator receives a copy of the School Progress Assessment Report Card from the Office of Correctional Education via the intranet share drive. The report is then shared with the Principal and the supervisors.
15.	Do the Test of Adult Basic Education Coordinator and at least two others have access to a CDCR email address and user account?	Yes	The Testing Coordinator has access via personnel within the education office who have intranet access and user accounts. The Testing Coordinator is notified when an update has been send and then retrieves a copy for the computer at the testing location.
16.	Does the Test of Adult Basic Education Coordinator have the most recent Test of Adult Basic Education database (within a week)?	Yes	The recent update of the test scores database was in the process of being up-loaded to the computer at the testing location.
17.	Are Test of Adult Basic Education testing protocols signed by current staff?	No	No one was able to locate a signed copy of the testing protocols.

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

18.	Are the Test of Adult Basic Education testing materials secured in a locked cabinet (mandatory standards)?	No	All the test material located at the main testing location was secured according to the mandatory testing standards. However, there are test materials located in satellite areas but there was no approval from the Office of Correctional Education for an exemption from the mandatory standards. They have a checkout system for test books at all locations along with an inventory.
19.	Is a master inventory of Test of Adult Basic Education test booklets and answer sheets maintained by the testing coordinator?	No	No one was aware they were to inventory the answer sheets but will do so in the future. They currently use a manual inventory along with a computerized inventory of the test books. They also use a check-out and check-in system of test books for accountability. It was suggested an inventory of the answer sheets be done by using a total number of answer sheets and use a negative count for accountability in the future.
20.	Is the Test of Adult Basic Education binder current and up-to-date with memos, purchase orders and instructions?	No	There was no binder that contained the various memos and documentation used for clarification, accountability and procedures for the Test of Adult Basic Education testing. However, the Testing Coordinator did have the help binders that were issued, along with some of the documentation in file folders.

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

21.	Is the Test of Adult Basic Education locator test being used when needed to determine which level-appropriate Test of Adult Basic Education test to administer?	No	The Test of Adult Basic Education locator test is available but is not used by any of the staff. They use a one page questionnaire they have developed instead of the Test of Adult Basic Education Locator test to determine the appropriate test level to be administered. They feel it saves time and gives a good indication of the appropriate test level.
22.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Teacher-Test of Adult Basic Education Testing</div> Are teachers testing within ten days of the student's initial entry into the classroom, as well as quarterly testing based on the Test of Adult Basic Education matrix?	No	All students are not being tested within ten days of the student's initial entry into the classroom, the quarterly testing, as well, is not based on the Test of Adult Basic Education matrix.
23.	Are the Test of Adult Basic Education tests administered according to the testing matrix?	No	All the Test of Adult Basic Education tests are not administered according to the testing matrix. One example is the RJD School Program Assessment Report for the 2008 2 nd Testing Quarter indicates that only 4.0% of pre tested students were post tested.
24.	Is the Test of Adult Basic Education locator being used, when needed, to determine which level-appropriate Test of Adult Basic Education test to administer?	No	There was no evidence that the Test of Adult Basic Education locator test is being used, when needed, to determine which level-appropriate Test of Adult Basic Education test to administer in any of the classrooms.

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

25.	Are teachers using Test of Adult Basic Education pre-post subtest diagnostic reports for student needs assessment and are they reviewing test scores with inmates?	Yes	It is recommended that the Academic and Vocational Vice-Principals continuously monitor teachers to ensure students are informed of the test results since items missed are to be remediated and the post test results should indicate gains once the subject matter is mastered by the student.
26.	Are teachers using the Test of Adult Basic Education pre-post diagnostic subtest test results as a diagnostic tool for individualized instruction and troubleshooting Test of Adult Basic Education score losses in their classes?	Yes	
27.	Are current Test of Adult Basic Education subtests placed in student's classroom file?	Yes	
28.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Alternative Education Delivery Models:</div> Are Alternative Education Delivery Model Open Line schedules with dates and times posted in public areas for inmate access to educational services during off work hours?	Yes-	There are no open lines as approved through the California Peace Officers Association Alternative Education Delivery Model Agreement. All Alternative Education Delivery Model students are scheduled by appointment (ducated) to a classroom. The students are scheduled by appointment (ducated) in accordance with a posted schedule that allows participation by all inmates within the program areas.
29.	Is the Television Specialist and Distance Learning Study Teacher developing a Distance Learning Study Channel schedule of courses, with dates and times, posted in public areas for inmates to review and complete their assignments?	No	The Television Specialist reported to work on Monday, September 22, 2008. The TV Specialist is planning to address and implement all requirements in accordance to his duty statement and Alternative Education Delivery Models requirements. It is recommended that the Television Specialist be allowed to retain his current work space/office.

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

30.	Does the Television Specialist plan, supplement and implement electronic educational coursework with the Distance Learning teacher, utilizing Transforming Lives Network and airing educational programs, such as Kentucky Educational TV General Education Development series on a weekly basis?	No	The Television Specialist reported to work on Monday, September 22, 2008. The TV Specialist is planning to address and implement all requirements in accordance to his duty statement and Alternative Education Delivery Models requirements. It is recommended that the Television Specialist be allowed to retain his current work space/office.
31.	Are teachers awarding inmates certificates for achievement/completion in Alternative Education Delivery Model programs?	No	Certificates of Achievement are being issued, but not in accordance with Office of Correctional Education policy. Copies of the certificate policy memos will be passed out to all teachers.
32.	Do all of the Education/Independent Study (half-time) classes have current course outlines and lesson plans that agree with the Office of Correctional Education approved curriculum?	NA	Education/Independent Study programs are not required under the Alternate Education Delivery Model local Correctional Peace Officers Association agreement.
33.	Do all of the Education/Work Program (half-time) classes have current course outlines and lesson plans that agree with the Office of Correctional Education approved curriculum?	NA	Education/Independent Study programs are not required under the Alternate Education Delivery Model local Correctional Peace Officers Association agreement.
34.	Do all of the Distance Learning classes have current course outlines and lesson plans that agree with the Office of Correctional Education approved curriculum?	Yes	All teachers have, at least, prepared binders with the required materials.
35.	Do all of the Independent Study classes have current course outlines and lesson plans that agree with the Office of Correctional Education approved curriculum?	Yes	All teachers have, at least, prepared binders with the required materials.

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

36.	<ul style="list-style-type: none"> Are teachers testing inmates within ten days of being enrolled or assigned to an Alternative Education Delivery Model program? Are the inmates' Test of Adult Basic Education subtest results analyzed by the teacher for appropriate Alternative Education Delivery Model lesson/class placement? 	No	The Alternative Education Delivery Model Independent Study Teachers have just begun Test of Adult Basic Education testing (full battery) the GED/HSD students. They will continue to follow the Office of Correctional Education policy as the testing requirements are for Alternative Education Delivery Model teachers with a 120 student quota.
37.	<ul style="list-style-type: none"> Is the Alternative Education Delivery Model current enrolled/assigned inmate roster consistently kept updated? Is it given to the Vice-Principal and Principal on at least a weekly basis? 	Yes	Teachers indicated that the rosters are given to the Vice-Principal and Principal on at least a weekly basis. However, there is no tracking mechanism required to monitor receipt of those rosters by the Vice-Principals and Principal. It is recommended that a tracking system be put in place to ensure that rosters are being received by the Vice-Principals and Principal.
38.	Are students' gains being recorded and tracked?	Yes	
39.	<div style="border: 1px solid black; padding: 2px;">Gender Responsive Strategies:</div> <p>Do all of the academic life skills classes have current course outlines that agree with the Office of Correctional Education/Gender Responsive Strategies approved curriculum, i.e.? Women's Conflict and Anger Lifelong Management (Feb. 2007), Women's Health (July 2007), Women's Parenting (January 2008) Women's Victims (July 2008)?</p>	NA	
40.	Do all of the academic life skills classes have current lesson plans that agree with the Office of Correctional Education/Gender Responsive Strategies approved curriculum?	NA	

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

41.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">ESTELLE and Behavior Modification Unit programs:</div> <p>Is there an effective system in place to track monthly attendance, reporting, and evaluation of assigned inmates, their performance; and participation that allows a clear over-all rating of progress of each student in the Behavior Modification Unit/ESTELLE program?</p>	NA	
42.	<p>Is there a tracking and evaluation process to determine inmate progress on the Behavior Modification Unit curriculum competencies including Conflict and Anger Lifelong Management and is documentation provided to the Unit Classification Committee every 30 days detailing how the inmates assigned to the Behavior Modification Unit program are performing?</p>	NA	
43.	<ul style="list-style-type: none"> Do ESTELLE students have access to computers as required in the framework of the program for training? Does the teacher have Test of Adult Basic Education scores on all of the students in the program? 	NA	
44.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">COMPAS – Risk and Needs Assessment:</div> <p>Are assessment teachers conducting assessments on eligible inmates as defined by the current COMPAS Operations Manual?</p>	Yes	The COMPAS teachers have a good working relationship with Central Record's personnel and are able to review the files of eligible inmates and start the assessment process in a more timely and efficient manner.
45.	<p>Does assessment staff utilize the current standardized COMPAS Tracking Form?</p>	Yes	
46.	<p>Are the COMPAS questionnaires shredded daily in accordance with the confidential document procedure?</p>	Yes	The questionnaires are given to the Assessment Office Assistant who shreds them daily. There is a shredder in their location.
47.	<p>Are assessment interviews conducted in a semi-private environment?</p>	Yes	They are able to use day room tables, counselor's area, etc. in a semi-private environment

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

48.	Is appropriate assistance provided to inmates during participation in the COMPAS assessment interview in accordance with departmental policies regarding Effective Communication, the Clark Remedial Plan, and Armstrong mandates?	Yes	They verify that the inmate can understand and if not they seek appropriate assistance.
49.	<div style="border: 1px solid black; padding: 2px;">Security and Order:</div> <p>Are personal alarms issued to teachers and do they wear whistles and the personal alarms on their person?</p>	Yes	
50.	Are exits clearly marked and emergency evacuation plans posted in accordance with the institution's emergency evacuation plan?	Yes	
51.	<div style="border: 1px solid black; padding: 2px;">Pre-Release</div> <p>Does the Pre-Release curriculum contain Life Skills; Communication Skills; Attitude and Self-Esteem; Money Management; Community Resources; Job Application Training; Department of Motor Vehicles Practice Test; and Parole Services?</p>	NA	The Institution, with Office of Correctional Education approval, closed the Pre-Release Program due to the inability to fill the program on a voluntary basis.
52.	Do all of the Pre Release lesson plans contain the objective, handouts, and methods for student evaluation?	NA	The Institution, with Office of Correctional Education approval, closed the Pre-Release Program due to the inability to fill the program on a voluntary basis.
53.	Is the Pre-Release teacher receiving appropriate institutional and Parole and Community Services Division (P&CSD) staff support?	NA	The Institution, with Office of Correctional Education approval, closed the Pre-Release Program due to the inability to fill the program on a voluntary basis.
54.	Is the Pre-Release curriculum recording system in-use, accurate, and current and are copies of monthly records maintained?	NA	The Institution, with Office of Correctional Education approval, closed the Pre-Release Program due to the inability to fill the program on a voluntary basis.

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

55.	Does the Pre-Release instructor use a variety of teaching methodologies and allow for differentiation of instruction to meet individual learners' needs?	NA	The Institution, with Office of Correctional Education approval, closed the Pre-Release Program due to the inability to fill the program on a voluntary basis.
56.	Is the Pre-Release class a full-time program (four days/8.5 hours or five days/6.5 hours)? If no, is there an exemption on file?	NA	The Institution, with Office of Correctional Education approval, closed the Pre-Release Program due to the inability to fill the program on a voluntary basis.
57.	Are all of CDCR Form 128Es (that are used to record all education participation including course completions) and classroom records current and accurate and reflect a full-quota student enrollment?	NA	The Institution, with Office of Correctional Education approval, closed the Pre-Release Program due to the inability to fill the program on a voluntary basis.
58.	Does the Pre-release Teacher use the Framework for Breaking Barriers?	NA	The Institution, with Office of Correctional Education approval, closed the Pre-Release Program due to the inability to fill the program on a voluntary basis.
59.	Does the Pre-release teacher provide the Office of Correctional Education with monthly Pre-release Program reports on time and maintain copies of those monthly Pre-release program reports?	NA	The Institution, with Office of Correctional Education approval, closed the Pre-Release Program due to the inability to fill the program on a voluntary basis.
60.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> Recidivism Reduction Strategies Enhanced Outpatient Program: </div> Is the Enhanced Outpatient Program Teacher a participating member of the Interdisciplinary Treatment Team meetings?	Yes	
61.	Is there a current roster of Enhanced Outpatient Program inmates determined eligible by Interdisciplinary Treatment Team and the Enhanced Outpatient Program teacher to receive education services?	Yes	

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

62.	Is the required student assessment for development of the Individualized Treatment and Education Plan completed in accordance with the Enhanced Outpatient Program assessment guidelines timelines?	Yes	
63.	Is there documentation of the education services provided to Enhanced Outpatient Program inmates?	Yes	
64.	<div style="border: 1px solid black; padding: 2px;">Transforming Lives Network Program:</div> <p>Are alternate modalities available for use within the housing units for the Distance Learning program? For example, video, Transforming Lives Network, institutional television, visual worksheets, etc.?</p>	No	The Education Department has an Education Channel that provides alternative educational programming. However, the Transforming Lives Network has been broadcast sporadically due to Satellite Dish problems. Transforming Lives Network enrollment has not been an Education Department priority. The Television Specialist will work closely with the Distance Learning teachers to improve the delivery of educational services using audio-visual delivery systems including video production using teachers for lesson presentations.
65.	Is the television specialist recording Transforming Lives Network broadcasting and archiving copies for re-broadcast and individual teacher access?	No	The Television Specialist reported to work on Monday, September 22, 2008.
66.	Is the television specialist setting up a broadcast schedule for the school and distributing that schedule to the school faculty?	No	The Television Specialist reported to work on Monday, September 22, 2008.
67.	Are school faculty members given the opportunity to provide input into the broadcast schedule?	No	The Television Specialist reported to work on Monday, September 22, 2008.
68.	<div style="border: 1px solid black; padding: 2px;">Recreation/Physical Education:</div> <p>Is there a current and comprehensive activity schedule for the Recreation and/or Physical Education Program?</p>	Yes	

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

69.	Does the Physical Education teacher follow the CDCR approved selection process for movies?	Yes	
70.	Does the Physical Education teacher have sign-up sheets, team rosters, or other evidence of inmate participation in sports and health education activities?	Yes	
71.	Is CDCR-approved State frameworks curriculum being used and are course outlines present?	Yes	
72.	Are health education, physical fitness training and recreational activities being provided to the Special Needs populations?	Yes	It is recommended that the Healthful Living curriculum presentations be increased. Proof of practice will be required to support that the number of Healthful Living curriculum presentations have increased at the six month follow-up review.
73.	Does the Physical Education teacher have a system in place to ensure accountability for state property including sports equipment, clothing and supplies?	Yes	
74.	Are there sufficient supplies, such as board games and sports equipment, to ensure a viable Physical Education program?	Yes	
75.	Are time-keeping records (CDCR Form 1697) on inmates assigned to work for the Physical Education teacher being kept?	Yes	
76.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> Recidivism Reduction Strategies (Physical Education): </div> Are health education, physical fitness training and recreational activities being provided to the geriatric population (age 55 and over)?	Yes	It is recommended that the Healthful Living curriculum presentations be increased. Proof of practice will be required to support that the number of Healthful Living curriculum presentations have increased at the six month follow-up review.

COMPLIANCE REVIEW FINDINGS

ACADEMIC EDUCATION SECTION

77.	Have the funds for the Recidivism Reduction Strategies funds for the geriatric population been expended for the geriatric population?	Yes	The Physical Education Teacher must continue tracking purchases and use of those purchased goods as soon as the fiscal years 2008-009 education Recidivism Reduction Strategies funds are allocated.
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COMPLIANCE REVIEW FINDINGS

VOCATIONAL EDUCATION SECTION

NO	INSTITUTION: RJD DATE: September 29-October 3, 2008 COMPLIANCE TEAM: Beverly Penland	Yes/No or N/A	COMMENTS
1.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Student Job Description:</div> Are all of the inmate students' job descriptions accurate, complete, signed, and available?	Yes	
2.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Student Records/Achievements:</div> Do all of classroom files reflect Test of Adult Basic Education scores that are not over six months old for students under the CDCR Literacy Plan and Office of Correctional Education Test of Adult Basic Education testing criteria?	No	Most of the files had current scores. Some had no scores but indicated they would be testing in the near future. The student files also indicated that some students were in the class a month to three months without a full battery Test of Adult Basic Education score.
3.	Are all of the CDCR Form 128E chronological reports, classroom records and timekeeping documents, current, accurate, and secure?	Yes	
4.	Is the curriculum recording system in-use, accurate, and current?	Yes	
5.	Does the Permanent Class Record Card (CDCR Form 151) reflect the minimum student contact time of 6.5 hours x-time or 8.5 hours of x-time (on full days) for 4-10 programs?	Yes	
6.	Are elective credits in the designated vocational subject being issued to students and recorded on their transcript in the education file?	No	The teachers were not aware they could give elective credits to the students within their programs.
7.	Are Trade/Industry Certifications being issued and recorded to those students earning them?	No	The teachers that have not received training from the Office of Correctional Education for the National Center for Construction Education and Research are unable to issue industry certifications. The electronic program however, is active in providing C-Tech certification to student in his programs.
8.	Are Certificates of Completion or Achievement as appropriate being issued and recorded for those students earning them?	Yes	

COMPLIANCE REVIEW FINDINGS

VOCATIONAL EDUCATION SECTION

9.	<div style="border: 1px solid black; background-color: #e0e0e0; padding: 2px;">Instructional Expectations:</div> <p>Do all of the vocational education classes have course outlines that agree with the CDCR curriculum?</p>	Yes	
10.	Do all of the vocational education classes have lesson plans that agree with the CDCR curriculum?	Yes	Most of the teachers are new but still continuing to build additional lesson plans.
11.	Have the Literacy Implementation Plan sections (applicable to Vocational Education) been incorporated through a core set of literacy materials into the instructional plan and do lesson plans verify this?	Yes	
12.	Are Vocational Instructors conducting and documenting at least four hours of approved related formal classroom training each week for all inmate students?	Yes	
13.	Are all of the vocational programs that have a nationally recognized certification programs participating in that program?	No	The teachers with National Center for Construction Education and Research programs have not received training from the Office of Correctional Education and are unable to issue National Center for Construction Education and Research certifications. The electronic program however, is active in providing C-Tech certification to qualifying students in his programs.
14.	<div style="border: 1px solid black; background-color: #e0e0e0; padding: 2px;">Recidivism Reduction Strategies:</div> <p>Are the Recidivism Reduction Strategies programs issuing trade certifications and/or National Center for Construction Education and Research certifications?</p>	N/A	

COMPLIANCE REVIEW FINDINGS

VOCATIONAL EDUCATION SECTION

15.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;"> National Center for Construction Education and Research: </div> <p>Are all the National Center for Construction Education and Research accreditation guidelines for Standardized Training being used?</p>	No	The teachers with National Center for Construction Education and Research programs have not received training from the Office of Correctional Education and are unable to issue National Center for Construction Education and Research certifications. The teachers, however, are providing student training to the best of their ability without the benefits of receiving training in National Center for Construction Education and Research guidelines and the testing procedures, paperwork and documentation requirements.
16.	Are the Building Construction Trades using the Contren Learning Series text books as the primary classroom text book?	Yes	
17.	Do all of the National Center for Construction Education and Research instructors have the resources needed to effectively teach the related trades?	Yes	
18.	Are all of the building trade instructors currently National Center for Construction Education and Research Certified Instructors and have attended the Instructor Certification Training Program (ICTP)?	No	The Office of Correctional Education has not provided the teachers with National Center for Construction Education and Research training.
19.	Are all of the craft instructors maintaining and conducting record keeping as outlined in the National Center for Construction Education and Research Accreditation Guidelines?	No	The Office of Correctional Education has not provided the teachers with National Center for Construction Education and Research training and the teachers are not trained in the use of the National Center for Construction Education and Research guidelines

COMPLIANCE REVIEW FINDINGS

VOCATIONAL EDUCATION SECTION

20.	Are all of the instructors maintaining the confidentiality and maintain restricted access to inmate social security numbers used on the National Center for Construction Education and Research Form 200's?	No	The Office of Correctional Education has not provided the teachers with National Center for Construction Education and Research training. The teachers are familiar with security and confidentiality in record keeping.
21.	Are all of the written National Center for Construction Education and Research tests, National Center for Construction Education and Research test CD-ROMs and National Center for Construction Education and Research answer keys maintained in a secure locked location with an inventory of the tests on hand?	Yes	The computer and the software are secured and ready to be utilized as soon as the teachers receive training.
22.	Are all of the students evaluated based on a 70% minimum passing score on National Center for Construction Education and Research written examinations?	No	The Office of Correctional Education has not provided the teachers with National Center for Construction Education and Research training. The teachers do not have use of the National Center for Construction Education and Research test generator until they have been trained in National Center for Construction Education and Research procedures and requirements.
23.	Are those students that fail a National Center for Construction Education and Research written test or practical exam required to wait a minimum of 48 hours prior to being retested?	No	The Office of Correctional Education has not provided the teachers with National Center for Construction Education and Research training and the teachers are not using National Center for Construction Education and Research test materials.
24.	Are 90% or more of the students completing the first six National Center for Construction Education and Research CORE Modules prior to starting the Level 1 for the trade?	Yes	The teacher is having the students work on the core modules which are aligned with the CDCR curriculum.

COMPLIANCE REVIEW FINDINGS

VOCATIONAL EDUCATION SECTION

25.	Are all National Center for Construction Education and Research performance evaluations conducted for each module and a record of the Performance Profile Sheet maintained?	No	The teachers have not received training from the Office of Correctional Education on the procedures and documentation required for National Center for Construction Education and Research certification.
26.	Upon successful completion of the National Center for Construction Education and Research written and performance evaluation, is the instructor documenting and submitting the Form 200 to the Unit Training Representative (UTR) for signature and forwarding to Office of Correctional Education within 60 days?	No	The Office of Correctional Education has not provided the teachers with National Center for Construction Education and Research training. The teachers require training and certification before they may submit documentation to National Center for Construction Education and Research.
27.	Are all of the instructors accepting National Center for Construction Education and Research Modules and Completion Certifications issued prior to students being assigned to the vocational class?	Yes	
28.	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">Test of Adult Basic Education Testing</div> Are teachers testing within ten days of the student's initial entry into the classroom, as well as quarterly testing based on the Test of Adult Basic Education matrix?	No	The teachers are just now beginning to test their students and have been notified that the incoming students are to be tested within 10 working days of initial arrival in class. In the past the testing staff had tested all the inmates and some students did not receive the full battery test until several months after assignment.
29.	Are the Test of Adult Basic Education tests administered according to the testing matrix?	No	The teachers were aware of a Test of Adult Basic Education test matrix but not totally clear when testing should occur. All the Test of Adult Basic Education testing in the past was conducted by the testing staff.

COMPLIANCE REVIEW FINDINGS

VOCATIONAL EDUCATION SECTION

30.	Is the Test of Adult Basic Education locator being used, when needed, to determine which level appropriate Test of Adult Basic Education test to administer?	No	The teachers were not familiar with the Test of Adult Basic Education locator test. In the past the testing staff has tested their students.
31.	Are teachers using Test of Adult Basic Education pre-post subtest diagnostic reports for student needs assessment and are they reviewing test scores with inmates?	Yes	
32.	Are teachers using the Test of Adult Basic Education test results as a diagnostic tool for individualized instruction and trouble shooting Test of Adult Basic Education score losses in their classes?	Yes	
33.	Are current Test of Adult Basic Education subtests placed in student's file?	Yes	All the teachers had copies of the Test of Adult Basic Education subtest in the student file.
34.	<div style="border: 1px solid black; padding: 2px;">Gender Responsive Strategies:</div> Do all or more of the Gender Responsive Strategies (GRS) vocational classes have current course outlines that agree with the Office of Correctional Education/Gender Responsive Strategies approved curriculum, i.e. Cosmetology, Mill & Cabinet, Cable Technician, etc.?	N/A	
35.	Do all or more of the vocational classes have current lesson plans that agree with the Office of Correctional Education/Gender Responsive Strategies approved curriculum?	N/A	
36.	<div style="border: 1px solid black; padding: 2px;">Security and Order:</div> Are personal alarms issued by institution to instructors and do they wear a whistle and the personal alarms on their person?	Yes	
37.	Are exits clearly marked and emergency evacuation plans posted in accordance with the institution's emergency evacuation plan?	Yes	
38.	Is there an Inmate Safety Committee that conducts and records weekly safety inspections?	Yes	

COMPLIANCE REVIEW FINDINGS

VOCATIONAL EDUCATION SECTION

39.	Is at least one hour per month of safety meetings being held and documented?	Yes	
40.	<div>Trade Advisory Committee:</div> <p>Does the instructor have a documented Trade Advisory Committee that meets at least quarterly?</p>	No	There were no records of any Trade Advisory Committee meetings held. The teachers are recent hires and are working on recruiting Trade Advisory Committee members. Due to contract issues the teachers are unable to visit or attend Trade Advisory Committee meetings during student contact time as there is no relief coverage. Additionally, none of the teachers have an outside phone line to contact current or future Trade Advisory Committee members.
41.	<div>Job Market Analysis:</div> <p>Is a current Employment Development Department Job Market Analysis and/or institutional Job Market Survey on file?</p>	Yes	All the teachers had a current copy of a job market survey and share the job outlook with their students.
42.	<div>Apprenticeship:</div> <p>Is there an active Apprenticeship Training Program?</p>	N/A	
43.	If there is an active Apprenticeship Training Program, do inmates meet apprenticeship requirements and receive pay?	N/A	
44.	Does the instructor have a documented active Joint Apprenticeship Committee that meets at least quarterly within the institution?	N/A	
45.	<div>Employee and Community Services Programs.</div> <p>If vocational education programs are participating in Employee Services Programs, are they meeting Department Operation Manual and Penal Code requirements?</p>	N/A	

COMPLIANCE REVIEW FINDINGS

VOCATIONAL EDUCATION SECTION

46.	If vocational education programs are participating in community service projects, are they meeting Department Operation Manual requirements?	N/A	
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COMPLIANCE REVIEW FINDINGS

LIBRARY/LAW LIBRARY SECTION

NO.	INSTITUTION: RJD DATE: September 29-October 3, 2008 COMPLIANCE TEAM: Pat Osbey	Yes/No or N/A	COMMENTS
1.	<div style="border: 1px solid black; padding: 2px;">Library Staffing:</div> <ul style="list-style-type: none"> Does the Principal, Academic Vice-Principal, or Vocational Vice-Principal supervise the library staff? Does the Senior Librarian implement/plan the library program? 	Yes	The Academic Vice-Principal supervises the library staff.
2.	<div style="border: 1px solid black; padding: 2px;">Department Operations Manual and Department Operations Manual Supplement:</div> <ul style="list-style-type: none"> Is the current Department Operations Manual, Section 53060 available in the main libraries and satellite libraries? Is there a Department Operations Manual library supplement that is brief, and contains no new policies and/or regulations unless they are court-ordered and does the Department Operations Manual supplement reflect the current, actual local library program? 	Yes	There is one Central Library and six satellite libraries. Each library has a current Department Operations Manual section 53060 and Department Operations Manual library supplement that reflects the actual library program.
3.	<div style="border: 1px solid black; padding: 2px;">General Population (GP) Access Hours:</div> <ul style="list-style-type: none"> Are library hours of operation posted where General Population inmates can see them, and do General Population inmates have access to the library during off work hours? Do General Population inmates have regular access to non-legal library services? 	Yes	Hours of operation are posted in each library. General Population inmates who attend Facility I and Central Libraries have evening and Saturday hours available. General recreational reading materials are provided to reception center housing units.
4.	<div style="border: 1px solid black; padding: 2px;">General Population/Law Library Documentation:</div> <ul style="list-style-type: none"> Is there documentation of General Population inmates' access to law library for a minimum of two hours within seven calendar days of their request for legal use? Is there a list showing inmates who request legal access, and those who received access? 	Yes	Inmates are required to sign in and out when they attend the law library. These sheets document who received legal access.

COMPLIANCE REVIEW FINDINGS

LIBRARY/LAW LIBRARY SECTION

5.	Restricted Housing Status Inmate Access: <ul style="list-style-type: none"> • If there are Restricted Housing inmates in the institution, is there a Department Operations Manual supplement relating to their use of the library? • Is there a method for Restricted Housing inmates to request physical access to the law library which includes a list showing Restricted Housing inmates requests for access and inmates who actually used the library and is access granted for a minimum of one two-hour block of time if needed by the inmate, within seven calendar days of a request? 	Yes	Administrative Segregation Unit inmates request to use the library security booths and are escorted to the Facility II library.
6.	Restricted Housing Status Non-Legal Library Services: <p>Do Restricted Housing inmates receive general library services?</p>	Yes	Books and periodicals are distributed to the restricted housing units on a quarterly basis.
7.	Library Expenditures: <ul style="list-style-type: none"> • Are library funds spent for magazines/newspaper subscriptions, fiction and nonfiction books, supplies, processing, repair, and interlibrary loan fees? • If other items are purchased, are they for library use? 	Yes	
8.	Inmate Welfare Funds (IWF) Expenditure: <p>Are Inmate Welfare Funds used to purchase newspapers, magazines, and paperback fiction books, etc.?</p>	Yes	
9.	Law Library Expenditure: <ul style="list-style-type: none"> • Does the Senior Librarian understand the process associated with receiving the mandated law discs/books through the warehouse or mail room? • Are the Stock Received Reports completed and submitted to the Regional Accounting Office? 	Yes	The Senior Librarian fully understands the process and she generates the Stock Received Reports and submits them to Regional Accounting.

COMPLIANCE REVIEW FINDINGS

LIBRARY/LAW LIBRARY SECTION

10.	<ul style="list-style-type: none"> Are all received mandated law books and discs made available to inmates in a timely manner? Are the discs timely loaded on the Law Library Electronic Data System computer? Are the law books shelved promptly? 	Yes	As soon as law materials are received, they are processed and made available to the inmates.
11.	<ul style="list-style-type: none"> Are law library discs checked in by the Associate Information Specialist Analyst? If not, who checks them? 	No	The Senior Librarian receives the discs.
12.	Does the librarian know what steps to take if a mandated law library book or disc is not received when it should be?	Yes	
13.	<div style="border: 1px solid black; padding: 2px;">Library Book Stock - Quality, Part I:</div> <ul style="list-style-type: none"> Within the entire institution's libraries, is there at least one encyclopedia with a copyright date within the last five years and one unabridged dictionary (no older than five years)? Does the library program have at least three directories relevant to the questions asked by the population served? 	Yes	All seven libraries have the required encyclopedias, dictionaries and directories.
14.	<div style="border: 1px solid black; padding: 2px;">Library Book Stock - Quality, Part II:</div> <p>Does each library in the institution have a current world almanac, an atlas that is no more than three years old, an English language dictionary that is no more than five years old, and a Spanish and English dictionary that is no more than ten years old?</p>	No	The current World Almanacs have been ordered for each library, but have not been received yet.
15.	<div style="border: 1px solid black; padding: 2px;">Library Book Stock - Quality, Part III:</div> <ul style="list-style-type: none"> Does each library regularly inspect the physical condition of their books? Does the library program have a book repair procedure? 	Yes	Books that need repair are usually taken to the Central Library.

COMPLIANCE REVIEW FINDINGS

LIBRARY/LAW LIBRARY SECTION

16.	Library Book Stock - Quality, Educational Support, Literacy, Multi-Ethnicity: Does each library in the institution have at least one textbook and two supplemental titles which have copyright dates not more than ten years old representing each vocational and academic program in the institution, a minimum of 100 titles representing high interest/low level reading books, a minimum of 250 multi-ethnic titles, including but not limited to Black American, Asian-American, Hispanic-American (including Spanish language) and Native American materials?	Yes	Books complimenting academic and vocational programs are housed in the yard where the classes are taught. (e.g., Facility I has books supporting Adult Basic Education 1 and 2, Bridging and Independent Studies.)
17.	Library Book Stock - User Orientation: <ul style="list-style-type: none"> • Are book collections designed to meet the needs and interests of the inmate population served? • Does the librarian regularly meet with an inmate library advisory group, and does the library maintain a suggestion box? 	Yes	Librarians invite input from inmates via suggestion boxes. In addition, inmates have access to Books in Print and request books not available in their library.
18.	Library Book Stock - Quantity: (Department Operations Manual Book Aug) <ul style="list-style-type: none"> • Does the current library collection contain the number of fiction and nonfiction books mandated by CDCR? • Does this include any new books purchased through Recidivism Reduction Strategies (RRS) funding? 	Yes	Leisure reading materials are located in satellite libraries only (Facilities I, III and V.)
19.	Have all books purchased through the Recidivism Reduction Strategies funds been received, shelved, and inmate use tracked?	No	Inmate use of books purchased through Recidivism Reduction Strategies funds is not tracked.
20.	Book Access: <ul style="list-style-type: none"> • Is there a card catalog or equivalent system that inmates can use to find a book by title, author, or subject matter? • Can inmates request books that are not in the library collection? 	Yes	There is no card catalog available in any of the libraries, however, inmates can use Books in Print to request books they want. Interlibrary loan service is available from the SERRA system.

COMPLIANCE REVIEW FINDINGS

LIBRARY/LAW LIBRARY SECTION

21.	Circulation: Is there an adequate library book checkout system in place and an adequate overdue system in use?	Yes	Facilities I, III and V use a manual checkout system.
22.	Mandated Law Library/California Code of Regulations, Department Operations Manual <ul style="list-style-type: none"> Are the Gilmore v. Lynch mandated law books up to date? Does the library collection have the most current California Code of Regulations/Title 15 in English and Spanish? Is there a method of displaying proposed and actual revisions of California Code of Regulations/Title 15 for the inmate population, and does each library have a complete up-to-date Department Operations Manual? Are all the Law Library Electronic Data System computers up-to-date and operating in each library? 	Yes	Revisions of California Code of Regulations Title 15 are displayed on bulletin boards and binders. Each library has an up-to-date Department Operations Manual and all Legal Library Electronic Data Systems are operating but not up-to-date.
23.	Law Library - American Disability Act (ADA): Are American Disability Act mandatory postings present in the library?	Yes	
24.	Circulating Law Library: Is a procedure for accessing the Circulating Law Library in place?	No	There is no circulating law library due to the non-renewal of the contract.
25.	Court Deadlines: Are court deadlines verified, and is there documentation that inmates with established court deadlines have priority access to the library?	Yes	Court deadlines are verified by the librarian and documented in a database on the computer. Priority access is granted for no more than 30 days.
26.	Law Library Forms and Supplies: Do inmates have access to court required forms; are required legal supplies adequate and available; are procedures to distribute forms and supplies appropriate; and do all law libraries follow the same law library procedures?	Yes	There is a list of court required forms and supplies are available (e.g., pleading paper, pens, pencils.)

COMPLIANCE REVIEW FINDINGS

LIBRARY/LAW LIBRARY SECTION

27.	<div style="border: 1px solid black; padding: 2px;">General Library Forms and Supplies:</div> <p>Are adequate supplies available to process library materials, and are there standardized forms for library procedures that are used by all the libraries in the institution?</p>	Yes	
28.	<div style="border: 1px solid black; padding: 2px;">Inmate Clerk Training:</div> <ul style="list-style-type: none"> • Do inmate library/law library clerks receive documented training? Are training records maintained for each inmate employee? • Do inmate clerks receive training on a regular basis in law library and general library processes? 	Yes	Inmates view videos and use various other training tools. Records are maintained in inmate folders.
29.	<div style="border: 1px solid black; padding: 2px;">Security and Order:</div> <ul style="list-style-type: none"> • Are personal alarms issued by institution to library staff; does library staff wear a whistle and the issued personal alarms? • Are exits clearly marked and evacuation plans posted in accordance with the institution's emergency evacuation plan? 	Yes	

COMMENTS:

The librarians and Library Technical Assistants provide exemplary library service to the inmate population. The limited space (seating, shelving, office) and staffing has been very efficiently utilized. It is recommended that a catalog of available material be printed and distributed in each library, especially for the Restricted Housing Units. This will allow the Restricted Housing Unit inmates to be able to consult the catalog in lieu of visiting the library, giving them more access to library services. In addition, it is recommended that the hours of service to the General Population inmates be increased to include evenings and weekends in the Facility III library.

COMPLIANCE REVIEW FINDINGS

FEDERAL GRANT PROGRAMS SECTION

Workforce Investment Act (WIA)

	INSTITUTION: RJD DATE: September 29-October 3, 2008 COMPLIANCE TEAM: Mark Lechich	Yes/No or NA	COMMENTS
1.	Duty Statement/Job Description/Credentials – Literacy Learning Lab Do you have a current duty statement on file (within one year)?	Yes	Mr. Macfie is the new Literacy Learning Lab teacher.
2.	Do you have a valid credential on file?	Yes	Valid credential with teacher and in the Education Office.
3.	Security/Order – Literacy Learning Lab Are personal alarms issued by the institution to teaching staff and worn?	Yes	Mr. Macfie also has a whistle.
4.	Are exits clearly marked and emergency evacuation plans posted in accordance with the institution's emergency evacuation plan?	Yes	Exit sign is above the door with the evacuation plans on the right side of the door.
5.	Supervisory/Support – Literacy Learning Lab Do you receive support from your supervisor and other educational staff?	Yes	Good support from Ms. Balakian, Academic Vice-Principal.
6.	Does the Vice-Principal visit/observe your class? Does the Principal visit/observe your class? Do you maintain a sign-in log?	Yes	The Academic Vice-Principal visits occasionally. During the past year and a half Mr. Clardy has visited twice. Only a few visitors recorded.
7.	Inmate Enrollment – Literacy Learning Lab Do you maintain a minimum enrollment of 27 students?	Yes	Pull-out program serving 45 students per day. Students are educated to class. 100 students per week.
8.	Do students receive direct/group instruction?	Yes	When needed, students will receive direct/group instruction by the Mr. Macfie.
9.	Is the Literacy Learning Lab a "self contained" program?	No	No, it is a pull-out/voluntary program

COMPLIANCE REVIEW FINDINGS

FEDERAL GRANT PROGRAMS SECTION

Workforce Investment Act (WIA)

10.	Student Records/Testing Achievements – Literacy Learning Lab Do you verify non-General Education Development or non-High School graduation of the student?	Yes	Teacher checks with GED examiner.
11.	Do you start a student record file upon the student entering the Literacy Learning Lab program?	Yes	Mr. Macfie begins the student file immediately when the student enters the Literacy Learning Lab.
12.	Does each student have a current Test of Adult Basic Education score? <i>If not, do you refer the student for testing?</i>	Yes	Test of Adult Basic Education and Comprehensive Adult Student Assessment System scores current. If student's Test of Adult Basic Education score is not current Mr. Macfie will test the student.
13.	Do you assess student's basic skill level? <i>Describe</i>	Yes	Teacher interviews student's for appropriate placement into the software.
14.	Are at least 90% of the CDCR Form 128E chronological reports, classroom records and accountability documents current, accurate and secured?	Yes	All student files are current, accurate, and secured in locked cabinet in assigned teacher's classroom.
15.	Are the Student Files current (incl. Test of Adult Basic Education scores and any other assessment scores)? <i>Review</i>	Yes	All scores are current.
16.	Is there a current Student Job Description on file?	No	The Federal Education Grievance Procedure forms are not included in Student Job Description. Memo dated June 23, 2006.
17.	Instructional Expectations – Literacy Learning Lab Do you use the approved CDCR Competency Based Adult Basic Education curriculum?	Yes	Incorporated in group work and packets.

COMPLIANCE REVIEW FINDINGS

FEDERAL GRANT PROGRAMS SECTION

Workforce Investment Act (WIA)

18.	Are differentiated instructional methods used? Describe	Yes	Group and peer learning.
19.	Do students track their own progress?	Yes	Students receive assignment work weekly and they track their PLATO progress from the software.
20.	Do the students receive computer orientation? Is there continuous training? Describe	Yes	The teacher and clerks do the orientation and on going training, if needed, with each new student.
21.	Do you maintain course outlines and lesson plans? Review files	Yes	Outstanding outlines and lesson plans daily and weekly. Competencies are checked off.
22.	Do you use alternative assessment instruments (besides the required Test of Adult Basic Education), to determine a student's instructional plan? Describe	Yes	Comprehensive Adult Student Assessment System and Reading Plus program.
23.	Do students spend an average of six months of instructional time enrolled in the program?	No	Students stay on the average of four to six months.
24.	<div style="border: 1px solid black; padding: 2px;">Other Services – Literacy Learning Lab</div> Do you refer students to other services, i.e. medical? Describe the process	Yes	Teacher would contact medical and Correctional Officer only if necessary.
25.	Do you provide the students career-related information?	Yes	Job related activities, goal setting and other life skills such as the PLATO software.
26.	Do you have student aides? If so, how many and how are they used?	Yes	Student Aide, Clerk and a Porter. They provide tutoring and clerical support for the Literacy Learning Lab.
27.	<div style="border: 1px solid black; padding: 2px;">Training – Literacy Learning Lab</div> Have you participated in conferences, workshops and seminars from July 1, 2007–December 31, 2008? If so, provide a list.	No	Mr. Macfie is new to the Literacy Learning Lab.

COMPLIANCE REVIEW FINDINGS

FEDERAL GRANT PROGRAMS SECTION

Workforce Investment Act (WIA)

28.	Expenses – Literacy Learning Lab Are spending levels appropriate for material purchases and training to support program needs?	Yes	Mr. Macfie is satisfied with the spending levels. The Literacy Learning Lab needs headphones for the computers.
29.	Equipment – Literacy Learning Lab Do you maintain a complete and current inventory of equipment? Is equipment tagged with a Workforce Investment Act property tag? Conduct an inventory	Yes	This Literacy Learning Lab has new computers. PLATO has opened the upgrades. The Workforce Investment Act Inventory is complete.
30.	Is your software appropriately maintained by PLATO's technical field staff?	Yes	RJD is happy with the upgraded PLATO software. The Reading Horizon software is not installed. *Students are really excited with the Reading Plus software.
31.	Do you register all new software purchases with the Associate Information Systems Analyst?	Yes	The AISA is aware of all software used in Literacy Learning Lab.
32.	Committees/Meetings – Literacy Learning Lab How often do you meet with the referral teacher for consultation on a student?	N/A	
33.	Comprehensive Adult Student Assessment System/TOPSPRO Management Information System (MIS) Coordinator Have you been trained in the area of California Accountability and the TOPSPRO Management Information System to appropriately perform your duties as a Comprehensive Adult Student Assessment System Coordinator? When was the date of the last training? Dates of last trainings	Yes	Ms. Dudley attended the 2008 Comprehensive Adult Student Assessment System Summer Institute. She attended the TOPSPRO Basic and TOPSPRO Special sessions.

COMPLIANCE REVIEW FINDINGS

FEDERAL GRANT PROGRAMS SECTION

Workforce Investment Act (WIA)

34.	Do you have an adequate amount of Comprehensive Adult Student Assessment System testing materials to implement Comprehensive Adult Student Assessment System? <i>Explain the Comprehensive Adult Student Assessment System testing procedures at your institution.</i>	Yes	RJD has an adequate amount of testing materials. Sign-out and Sign-in sheet is used to track test booklets on Yard 4. Comprehensive Adult Student Assessment System Coordinator is located in Yard 2.
35.	Are the Comprehensive Adult Student Assessment System testing materials appropriately inventoried and secured?	Yes	Locked in cabinet in secured Testing Office (Yard 4).
36.	Are you using the latest version of the TOPSpro Management Information System software?	Yes	TOPSpro version 5.0 Build 31.
37.	Is the hardware equipment (Scantron machine) and software (TOPSpro Management Information System) used to implement Comprehensive Adult Student Assessment System appropriately maintained?	Yes	RJD's scanner works well. The computer is in good shape.
38.	Do you provide each teacher with a Student Performance by Competency Report to assistance them in preparing lesson plans?	Yes	Competency Reports for Students and Class. Student Gains by Class Report.
39.	Do you know how to generate the California Payment Point Report? Can you generate a Preliminary Payment Point Report?	Yes	Ms. Dudley checks the report weekly. Assist Coordinator with data cleaning.
40.	Are the appropriate students receiving and completing the Core Performance Surveys? <i>Explain the process in place to ensure that students are receiving the surveys.</i>	Yes	If the ex-student is still at the institution the Comprehensive Adult Student Assessment System Coordinator locates student to complete survey and submit to the WIA Administrator.

COMPLIANCE REVIEW FINDINGS

FEDERAL GRANT PROGRAMS SECTION

Workforce Investment Act (WIA)

41.	Can you generate an up to date list of students that will be receiving the Core Performance Survey for the past quarter?	Yes	Fourth Quarter data showed "No Student Qualified". Comprehensive Adult Student Assessment System Coordinator would locate ex-student to have him fill out survey.
42.	Can you generate a Data Integrity site review?	Yes	Data Integrity Report is used for assisting Coordinator to locate errors in the data.
43.	Can you generate a Student Gains by Class Report? Can you produce five student Entry/Update records and Pre/Post Test records? (Check reports with Student Gains by Class Report and Student Lister. Dates, testing books, and scores should match between records)	Yes	This report is given to the teachers to account for the students learning gains. All records matched.

COMPLIANCE REVIEW FINDINGS

FEDERAL GRANTS PROGRAMS SECTION

Incarcerated Youth Offender (IYO) Program

No.	INSTITUTION: RJD DATE: September 29-October 3, 2008 COMPLIANCE TEAM: Tom Posey	Yes/No or N/A	COMMENTS
1.	Does the Incarcerated Youth Offender Teacher have a copy of the current Incarcerated Youth Offender Grant?	Yes	on Disk
2.	Is there a signed Incarcerated Youth Offender Enrollment Agreement on file for each participant?	Yes	
3.	Is there evidence on file that each participant graduated from high school or passed the General Education Development exam?	YES	Yes
4.	Is there a Participant Demographic/ Biographic information sheet on file and, that his/her portfolio has been started?	Yes	Information is on an Individual Development Plan
5.	Does the Incarcerated Youth Offender Teacher use CAPS, COPS AND COPES to identify inmate job skills?	Yes	
6.	Are the results of CAPS, COPS AND COPES assessment on file?	Yes	
7.	Does the Incarcerated Youth Offender Teacher Identify inmate jobs indexed to skills?	Yes	
8.	Does the Incarcerated Youth Offender Teacher provide job counseling and job resumes for participants?	Yes	
9.	Does the Incarcerated Youth Offender Teacher provide academic and vocational training courses for participants?	Yes	
10.	Does the Incarcerated Youth Offender Teacher track success of Incarcerated Youth Offender participants after parole?	Yes	CCRC Provides follow-up.
11.	Does the Incarcerated Youth Offender Teacher provide services to prisons in surrounding areas?	N/A	

COMPLIANCE REVIEW FINDINGS

FEDERAL GRANTS PROGRAMS SECTION

Incarcerated Youth Offender (IYO) Program

12.	Does the Incarcerated Youth Offender Teacher use the Internet, phone and fax to establish contact with Parolees?	Yes	Most contact with inmates after parole is done through CCRC.
13.	Does the Incarcerated Youth Offender Teacher meet at least once on a quarterly basis with active participants in Incarcerated Youth Offender?	Yes	
14.	Does the Incarcerated Youth Offender Teacher indicate in Incarcerated Youth Offender database why inmates have declined or dropped from the Incarcerated Youth Offender program?	Yes	
15.	Does the Incarcerated Youth Offender Teacher communicate and maintain rapport with Vocational and Academic teachers?	Yes	
16.	Does the Incarcerated Youth Offender Teacher prepare and submit reports to the Incarcerated Youth Offender Program Coordinator via memos and the Incarcerated Youth Offender database?	Yes	
17.	Does the Incarcerated Youth Offender Teacher attend training, Incarcerated Youth Offender quarterly meetings and pertinent conferences?	Yes	
18.	Does the Incarcerated Youth Offender Teacher maintain a hard file for each active/inactive or former participant and participant parolee?	Yes	
19.	Does the Incarcerated Youth Offender Teacher's hard copy file contain assessment information, enrollment and tuition agreements, evidence of General Education Development or high school completion, contact information and relevant chronological documentation?	Yes	
20.	Does the Incarcerated Youth Offender Teacher's hard file and database information are consistent and in agreement with each other?	Yes	

COMPLIANCE REVIEW FINDINGS

FEDERAL GRANTS PROGRAMS SECTION

Incarcerated Youth Offender (IYO) Program

21.	Does the Incarcerated Youth Offender Teacher ensure that the inventory sheet is up to date; all equipment is clearly marked and identified with Incarcerated Youth Offender inventory tags?	Yes	
22.	Does the Incarcerated Youth Offender Teacher work with contracted vendors to help with the successful transition from prison to parole?	Yes	CCRC
23.	Does the Incarcerated Youth Offender Teacher check to ensure transfers from other Incarcerated Youth Offender institutions still meet eligibility requirements?	Yes	
24.	Does the Incarcerated Youth Offender Teacher ensure that only the Incarcerated Youth Offender Representative uses Incarcerated Youth Offender equipment?	Yes	
25.	Does the Incarcerated Youth Offender Teacher use Offender Based Information System to update the candidate pool on a monthly basis?	Yes	Gerald at HQ provides a monthly report to all Reps.
26.	Does the Incarcerated Youth Offender Teacher Issues trust withdrawals for any materials or equipment loaned to participants?	Yes	
27.	Does the Incarcerated Youth Offender Teacher maintain all information for each participant in the Incarcerated Youth Offender database and is it current and up to date to include, but not limited to, the following database fields (minimum fields to be completed)?	Yes	
a.	CDCR #;First and Last name	Yes	
b.	Earliest Possible Release Date; Date Of Birth	Yes	
c.	Date Enrolled in the Incarcerated Youth Offender program	Yes	
d.	Participant Notes if applicable	Yes	

COMPLIANCE REVIEW FINDINGS

FEDERAL GRANTS PROGRAMS SECTION

Incarcerated Youth Offender (IYO) Program

e.	Program Exit Code if applicable	Yes	
f.	Program Exit Date if applicable	Yes	
g.	Parole Region, Unit and County if known	Yes	
h.	Training programs recorded as a separate record and corresponding tuition agreement in participant's file	Yes	
i.	Program Name; Entry Date; Completion Date; Early Exit Date and Reason (if applicable); notes on status of course/course completion, earned grade etc. in Training Placement record	Yes	
j.	Expense Date; Amount; Training Provider; Training Program; Participant Name; CDCR Number and applicable notes	Yes	
k.	Incarcerated and post incarcerated address noted and recorded as separate records in Location Info.	Yes	
l.	Uses DDPS disk to update Incarcerated Youth Offender database	Yes	Information is received from the education office every week.
m.	Has internet access; uses internet as resource for employment and other transitional information for participant	Yes	Access is located in facility 5.
n.	Sends and receives changes to Incarcerated Youth Offender database to Headquarters within 24 hours of receiving update disk from Headquarters.	Yes	

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF AUDITS AND COMPLIANCE

REPORT OF FINDINGS

INMATE
APPEALS

RJ DONOVAN

SEPTEMBER 29 THROUGH OCTOBER 3, 2008

The seal of the California Department of Corrections and Rehabilitation is a circular emblem. It features a green outer ring with the text "DEPARTMENT OF CORRECTIONS AND REHABILITATION" at the top and "STATE OF CALIFORNIA" at the bottom, separated by two gold stars. The center of the seal depicts a golden scale of justice and a map of California.

PRELIMINARY

CONDUCTED BY

INMATE APPEALS BRANCH

FINAL REPORT
INMATE APPEALS AUDIT

Richard J. Donovan Correctional Facility
September 30 – October 3, 2008

Review Team: S. Wright, Facility Captain, Inmate Appeals Branch
B. Sullivan, Staff Services Mgr. I, Inmate Appeals Branch

SUMMARY CHART

AREA REVIEWED	RATING 2008	
	Score	Page No.
OVERALL RATING	93	1
A. ACCESS TO INMATE APPEALS	80	2
B. TRACKING/FILING APPEALS	96	4
C. PREPARATION OF APPEALS	95	5
D. TIMEFRAMES	71	6
E. APPEAL RESPONSES	100	8
F. SPECIALIZED PROCESSING OF APPEALS	100	9
G. TRAINING and OFFICE STAFFING	100	10
H. CURRENT OVERDUE APPEALS	99	11

INMATE APPEALS AUDIT
FINAL REPORT

Richard J. Donovan Correctional Facility
September 30 – October 3, 2008

INMATE APPEALS AUDIT

The findings in this Inmate Appeals Audit resulted in an overall score of 93. All areas and their results are listed below.

E. Franklin, Correctional Counselor II (CC-II) assigned to the Appeals Office, is experienced and knowledgeable in all facets of the appeals process. He was very helpful to the audit team. The Appeals Office support staff, D. Van Buren, Staff Services Analyst, and J. Montano, Office Assistant, were helpful to the audit team and able to locate documents and provide information needed for the Review. All staff were professional, considerate, and available throughout the review. It was indeed a pleasure to work with Mr. Franklin, Mr. Van Buren, and Ms. Montano in the Appeals Office.

The audit team was pleased to utilize the new scanned process of appeals. It made the review quicker, neater, and easier to see. The appeals were more accessible via the computer terminals. The process saves time, paper, and storage space. In addition, it frees up staff from an immense amount of copying. It is also noted there is a reliable back-up system which the Department's Legal Office requires. This scanning process should be utilized around the Department.

The specific sections and their corresponding questions and scores are identified below. Copies of the Inmate Appeals Worksheets are available upon request.

A. ACCESS TO INMATE APPEALS:	Section Rating: 80
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1) Do the law libraries, general population, and special housing units have the appropriate forms available on request from the inmate? [CCR 3084.1 (c)]

28 sample # 28 # correct = 100 % Question Rating: 50 **Score: 50**

***While 100 percent was allocated to this question, it is noted that when audited in 2006, RJD did not have a consistent procedure for inmates submitting their appeals from the housing units. During that previous audit, appeal boxes were installed in the housing units and a plan was in place for the boxes to be used and appeals to be regularly picked up. However, during this 2008 audit on Facility IV, ASU Housing Units 6, 7, & 8, there was still some confusion as to the process for inmates' submitting an appeal. Captain Wright of the Appeals Team discussed this concern with Lt. Spence, the ASU Lt., and it was decided that a consistent procedure for all ASU housing units would be that 3rd Watch Officers would pick-up the appeals from the inmates' doors and deliver the appeals to the Program Office. The Program Office then delivers the appeal appropriately. On all other yards, Appeals Office staff retrieve appeals from the Program Office appeal boxes on a daily basis. However, on Facility 2, Housing Unit 7, the Housing Unit appeal box had*

appeals in them that had not been removed. To clarify the process, housing unit appeal boxes will be removed to eliminate confusion. Only the Program Office appeal boxes will be utilized by the inmates. The Chief Deputy Warden has already ordered that these boxes in the housing units be removed.

- 2) **Does the institution provide inmate access to the California Code of Regulations (CCR), Department Operations Manual (DOM), Section 54100, Inmate/Parolee Appeals, and CDC Form 1824s in each inmate law library?** [DOM Section 101120.11, 54100.3]

6 sample # 6 # correct = 100 % Question Rating: 10 **Score: 10**

- 3) **Does the institution provide the orientation inmates a written summary of the inmate's right to appeal and appeal procedures?** [CCR 3002(a)(2)]

Yes Question Rating: 20 **Score: 20**

- 4) **Does the institution provide the orientation inmates verbal staff instruction regarding the inmates right to appeal and appeal procedures?** [CCR 3002(a)(2)]

No Question Rating: 20 **Score: 0**

The Orientation Officer on Facility 4, Housing Unit 16 does not give verbal instructions to inmates regarding their right to appeal and the appeal procedures.

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SECTION POINT TOTAL **80**

Recommendation: .

That the Administrative staff instruct the Orientation Housing Unit to provide verbal instruction on inmates' right to appeal and the Appeal Procedures pursuant to CCR 3002(a)(2).

- 5) ****Does the institution provide the CDC Form 602 in both English and Spanish?**

Yes Question Rating: 0 **Score: 0**

** This question is for information gathering only.

B. TRACKING AND FILING APPEALS

Section Rating: 96

1. Does the Inmate Appeals Office utilize the automated Inmate Appeals Tracking System (IATS) to record all appeals received at the formal levels? [DOM Section 54100.9]

Yes

Question Rating: 15 **Score: 15**

2. A review of the appeals files indicate the appeal forms have been copied on both sides and supplemental documents are attached? [DOM Section 54100.3]

70 # 70 # correct = 100 % Question Rating: 25 **Score: 25**

3. Does the institution implement an appeal decision (granted or granted in part) modification order within 90 days? [CCR 3084.5(i)]

21 # 18 # correct = 86 % Question Rating: 25 **Score: 21**

**Following notification of overdue modification orders to Executive Staff, there appears to be a lack of follow-through by Administrative Staff to complete the modification orders as there are 2 modification orders that are currently 120 days overdue.*

4. Is there a procedure and tracking system in place for noticing Administrative Staff of overdue appeals?
[CCR 3084.6, DOM 54100.12]

Yes

Question Rating: 35 **Score: 35**

SECTION POINT TOTAL 96

C. PREPARATION OF APPEALS	Section Rating	95
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- 1) **Are inmates interviewed at the first level of review or at second level if first level is waived?** [CCR 3084.5 (f) and DOM 54100.14]

70 sample # 67 # correct = 96 % Question Rating: 25 Score: 24

- 2) **Do the dates on the appeal correspond with the dates on the IATS?**
[DOM Section 54100.9]

70 sample # 66 # correct = 94 % Question Rating: 25 Score: 24

- 3) **A review of the appeals indicate they are complete, all dates included and signatures included (all blanks filled in appropriately on the CDC Form 602)?** [DOM Section 54100.3]

70 sample # 62 # correct = 89 % Question Rating: 25 Score: 22

- 4) **Is there evidence that appeal decisions are reviewed by the institution head or his/her designee?** ?[CCR 3084.5(e)(1)]

30 sample # 30 # correct = 100 % Question Rating: 25 Score: 25

SECTION POINT TOTAL 95

D. TIMEFRAMES

Section Rating: 71

- 1) Are appeals being assigned at each level within five working days of receipt in the Appeals Office? [DOM 54100.9]**

70 sample # 60 # correct = 86 % Question Rating: 25 **Score: 21**

**The appeals' office staff currently date stamp an appeal the first time it is delivered to the office; however, the audit team found no subsequent dates for additional submissions of the appeal from the inmate. Therefore, it was difficult to determine when the appeal arrived in the Appeals Office before it was assigned. The Appeals Office staff have since begun stamping the appeal form each time it is received in the office. This procedure is clarified in DOM 54100.9.*

- 2) Are informal appeals completed within ten working days?
[CCR 3084.6 (b)(1)]**

11 sample # 8 # correct = 72 % Question Rating: 25 **Score: 18**

**In talking to the Appeals Coordinator, the supervisors, and the inmate MAC representatives, it was confirmed that on Facilities 1 & 4, some staff are avoiding the informal process of appeal. It is indicated that staff tell the inmate to submit it to the Appeals Office, and the Appeals Office screens it back to the inmate telling him to get an informal response. This causes additional workload on staff and it often violates the timeframes for answering the appeals.*

- 3) Are first-level responses completed within 30 working days?
[CCR 3084.6 (b)(2)]**

52 sample # 40 # correct = 77 % Question Rating: 25 **Score: 19**

- 4) Are second-level responses completed within 20 working days, or 30 working days if first level is waived pursuant to section 3084.5(c)? [CCR 3084.6 (b)(3)]**

60 sample # 30 # correct = 50 % Question Rating: 25 **Score: 13**

SECTION POINT TOTAL 71

**The low scores regarding timeframes are a result of the overdue appeals*

Recommendation:

That staff be more diligent in completing appeals within their timeframes. Staff also need to understand the importance and their responsibility for completing appeals at the lowest possible level which includes the informal level of appeal.

Out of 10 Disciplinary Appeals reviewed, 6 were overdue from the 3 month sample. The audit team found that a yard Lt. is assigned to the Appeals Office to answer Disciplinary Appeals on an intermittent basis after his regular assignments are completed. This process is inconsistent and contributes to the overdue Disciplinary Appeals.

E. APPEAL RESPONSES

Section

Rating: 100

- 1) **Does the institution prepare a written response at the first level of review stating the appeal issue?**

[CCR 3084.5 (g) and DOM 54100.15]

52 sample # 52 # correct = 100 % Question Rating: 25 **Score: 25**

- 2) **Does the institution prepare a written response at the first level of review stating the reasons for the specific decision being rendered?** [CCR 3084.5 (g) and DOM 54100.15]

52 sample # 52 # correct = 100 % Question Rating: 25 **Score: 25**

- 3) **Does the institution prepare a written response at the second level of review stating the appeal issue?**

[CCR 3084.5 (g) and DOM 54100.15]

60 sample # 60 # correct = 100 % Question Rating: 25 **Score: 25**

- 4) **Does the institution prepare a written response at the second level of review stating the reasons for the specific decision being rendered?**

[CCR 3084.5 (g) and DOM 54100.15]

60 sample # 60 # correct = 100 % Question Rating: 25 **Score: 25**

SECTION POINT TOTAL 100

F. SPECIALIZED PROCESSING OF APPEALS

Section Rating: 100

**STAFF COMPLAINTS
APPEAL RESTRICTION**

STAFF COMPLAINTS

- 1) **When a staff complaint is filed against a Peace Officer, is notice given to that Peace Officer regarding the filing of the complaint? (Unit 6 Memorandum of Understanding, Section 9.09(D), Personnel Investigations, AB 05/03, DOM 54100.25.2)**

Yes Question Rating: 20 Score: 20

- 2) **Is the institution keeping Staff Complaints for a period of five years? [DOM 54100.25.5 and Penal Code 832.5(b)]**

Yes Question Rating: 20 Score: 20

- 3) **Are all allegations of staff misconduct presented to the warden or designee for determination of the type of inquiry needed? [AB 05/03]**

Yes Question Rating: 20 Score: 20

- 4) **Are all allegations of staff misconduct presented to the warden or designee at least weekly? [AB 05/03]**

Yes Question Rating: 20 Score: 20

APPEAL RESTRICTION

- 5) **Is there evidence of authorization from the Chief of the Inmate Appeals Branch (IAB) to place an inmate on restriction? [CCR 3084.4(3), (4)]**

There are no inmates on appeal restriction: Question Rating: 20 Score: 20

SECTION POINT TOTAL 100

G. TRAINING/OFFICE STAFFING	Section Rating: 100
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1. Is there evidence that the Appeals Coordinator works with the In-Service Training (IST) officer to ensure that training on the appeals procedure is carried out? [DOM 54100.3]

Yes

Question Rating: 20 **Score: 20**

2. Is there evidence that the Inmate Appeals Process training is provided to new supervisors during Supervisor's Orientation? [DOM 32010.10.2]

Yes

Question Rating: 30 **Score: 30**

3. Is there an updated Inmate Appeals lesson plan, which identifies recent changes in Department policy? [DOM 32010.8.4, 54100.3]

Yes

Question Rating: 30 **Score: 30**

4. If an inmate is assigned as a clerk in the unit, is he/she prevented from having access to the CDC Forms 602 at any level? [CCR Sections 3370(b) [component thereof]

There is no inmate assigned to the Appeals Office. Question Rating: 20 **Score: 20**

SECTION POINT TOTAL 100

H. CURRENT OVERDUE APPEALS

Section Total: 99

1) What is the number of the current overdue First Level appeals and by how many days late?

[CCR 3084.6, DOM 54100.12]

# of Days late	Number of Appeals	Pts	Point Deduction (Per appeal)
0-30 days	2	.25	.50
31-90 days	2	.50	1.00
91-180	0	.75	0
181+	0	1	0

Question Rating: 50
Points deducted: 1.5
Score: 48.5

2) What is the number of the current overdue Second Level appeals and by how many days late?

[CCR 3084.6, DOM 54100.12]

# of Days late	Number of Appeals	Pts	Point Deduction (Per appeal)
0-30 days	0	.25	0
31-90 days	0	.50	0
91-180	0	.75	0
181+	0	1	0

Question Rating: 50
Points deducted:
Score: 50

APPEALS OVERDUE FROM OTHER INSTITUTIONS (NOT COUNTED):

# of Days late	Number of Appeals	Pts	Point Deduction (Per appeal)
0-30 days	0	.25	0
31-90 days	0	.50	0
91-180	0	.75	0
181+	0	1	0

of Appeals: 0 Points Deducted: 0 Score: N/A

SECTION POINT TOTAL 99

ADDITIONAL AREAS OF REVIEW: This portion has been added to the audit format; however, these areas of the institution are reviewed for information gathering and scores will not be obtained.

1. Law Library access for ASU/SHU inmates:

- a)** What is the process for allowing ASU/SHU inmates access to the law library?
[CCR 3122, 3160, 3164, 3343(k)]

Inmates submit court deadline verifications to the legal officer, who then submits it to the law librarian, who verifies the active court dates. Based upon the verification, inmates are given PLU status. Inmates also have access to paging services.

- b)** How often do these inmates have access to the law library?

PLU inmates go to the law library every seven days for two hours when possible.

- c)** How does access to the law library differ between General Library User (GLU) and Priority Library User (PLU) inmates?

GLU inmates visit the library as space availability allows. PLU inmates access as noted above.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF AUDITS AND COMPLIANCE

REPORT OF FINDINGS

ADMINISTRATIVE SEGREGATION
BED UTILIZATION REVIEW

RJ DONOVAN

SEPTEMBER 29 THROUGH OCTOBER 3, 2008

The seal of the California Department of Corrections and Rehabilitation is a circular emblem. It features a green outer ring with the text "DEPARTMENT OF CORRECTIONS AND REHABILITATION" at the top and "STATE OF CALIFORNIA" at the bottom, separated by two gold stars. The center of the seal depicts a golden scale of justice and a map of California.

PRELIMINARY

CONDUCTED BY

CLASSIFICATION SERVICES

RICHARD J. DONOVAN CORRECTIONAL FACILITY

WEEK OF SEPTEMBER 29, 2008

ADMINISTRATIVE SEGREGATION BED UTILIZATION REVIEW

The Richard J. Donovan Correctional Facility (RJD) Administrative Segregation Unit (ASU) Bed Utilization Review was conducted during the week of 9/29/08. Correctional Counselor (CC) -III M. Scott, assisted by CC-II R. Renteria, conducted the review.

The intent of this review is to provide an evaluation of bed utilization in the ASU. This assessment is intended to be used as a management tool by the institution to assist in identifying areas that could reduce time spent in ASU and overcrowding in ASU. A review of a tracking tool entitled the Warden's Weekly Report Administrative Segregation (discussed later in this report) reflected approximately 355 inmates housed in ASU. This number matched closely with the ASU count based on the Distributed Data Processing System (DDPS), which, as of 10/2/08 reflected 336 ASU inmates. Approximately 50 cases were reviewed by the team. Attached to this report is a breakdown of the cases that were reviewed.

The cases reviewed were broken down into the following categories:

34 were placed in Administrative Segregation based on a pending Disciplinary charge.

12 were placed in Administrative Segregation based on safety concerns.

4 were placed in Administrative Segregation based on gang/ disruptive group issues.

Does the institution use a comprehensive ASU tracking method that records the reason for ASU placement, track time periods for specific processes and total amount of time in ASU? Based on conversation with RJD staff and documents available, there is a tracking tool entitled the Warden's Weekly Report Administrative Segregation which is now maintained by one CC-I for both the RC and the GP ASU cases. Both the RC and GP ASU CC-IIs may access this Report and customize the Report as needed. The RC CC-II still maintains an ASU tracking tool entitled "Reception Center ASU Report" which is derived from the Warden's Weekly Report Administrative Segregation data-base, currently reflecting a count of approximately 132 RC cases in ASU. Both Reports were in use during the prior audit (week of 7/21/08) and appear unchanged in format and content, including information such as ASU placement date, term release date, dates of last and next ICC, reason for ASU placement, endorsement dates, endorsed institution, date of CSR extension and MERD. Time periods for specific processes, such as date of adjudication of RVRs or completion of investigations and total amount of time spent in ASU is not tracked. Amendment of the ASU tracking tools is again recommended to include status of RVRs and investigations as

these processes directly impact an inmate's length of stay in ASU.

During the prior audit, Auditor was advised and noted the Warden's Weekly Report, Administrative Segregation was not current, containing the names of nearly 200 inmates who had already departed ASU. During this week's visit, there was improvement in this area, noting the Warden's Weekly Report, Administrative Segregation appeared current and up to date as indicated earlier in this report.

Comment: Although there is not a requirement that a system other than the Distributed Data Processing System (DDPS) be maintained, the DDPS capabilities are limited. A comprehensive ASU tracking system can identify a multitude of data fields, which can be customized by the needs of each specific institution. The tracking system can be very basic but still provide meaningful information that can significantly reduce workload. The system should be maintained in a format that can be sorted by specific areas to enable staff to easily identify possible problem areas at a quick glance.

GENERAL ASU CASE PROCESSING TIMES

Period from Initial Placement in ASU to CSR Review

California Code of Regulations (CCR) 3335(c) (1) requires that the Institution Classification Committee refer the case for Classification Staff Representative (CSR) review and approval when any case is retained in ASU for more than 30 days. When the initial ICC review determines that a case is not expected to be resolved within 30 days, referring the case to the CSR at the time of the initial hearing expedites this process and assures compliance with the regulation.

California Code of Regulations 3335(c) requires that inmates placed in ASU be seen by ICC within 10 days of placement.

Time from the date of placement in Administrative Segregation to the initial ICC referral for CSR Review ranged from 0 days to 18 days. Of the cases reviewed, **90%** met this expectation. (The percentage is calculated by taking the number of cases meeting the criteria and dividing it by the total number of these cases reviewed. Example, if you looked at 50 cases and 42 met this criterion; you would divide 42/50 which would calculate to 84%).

It is the expectation that cases referred for ASU retention be presented to the CSR for review within 30 days of the Classification committee referral (California Code of Regulations 3335(e)).

Time from the initial ICC referral for CSR Review to the actual CSR review ranged from 12 days to 147 days. Of the cases reviewed, **42%** met this expectation. (The percentage is calculated by taking the number of cases meeting the criteria and dividing it by the total number of these cases reviewed. Example, if you looked at 50 cases and 42 met this criterion; you would divide 42/50 which would calculate to 84%). The prior audit reflected 51% compliance in this area and the need for improved tracking of these cases to ensure timely presentation to the CSR.

When an ASU case is reviewed by a Classification Staff Representative (CSR), the CSR will indicate a time period in which the case must be presented again to a CSR for further review. The expectation is that all cases should be presented back to a CSR prior to the expiration of the ASU extension approved.

Of the 50 cases reviewed, there are 9 cases currently retained in ASU beyond the CSR approved retention. This calculates to **82%** compliance in this area. (The percentage is calculated by taking the number of cases meeting the criteria and dividing it by the total number of these cases reviewed. Example, if you looked at 50 cases and 42 met this criterion, you would divide 42/50 which would calculate to 84%). Note: during the prior audit of 7/21/08 there was 76% compliance in this area.

During the prior audit occurring during the week of 7/21/08, there were cases noted that had been in ASU well over 30 days and which did not have an ASU extension approval at all. **(The expectation is there should be 0 cases in this category).** During this week's audit improvement was noted. There were no cases which had not had CSR review.

DISCIPLINARY CASES

Hearing Timelines

Once a Rules Violation Report (RVR) has been issued, simply determining the time between the issuance and the subsequent hearing does not provide an accurate measurement of the institution's efficiency in processing the case. This is due to the fact that the inmate may choose to postpone the hearing until after any District Attorney (DA) review/prosecution has occurred. Due to this factor, RVR processing must be categorized and examined separately.

A total of 49 RVRs were reviewed.

RVRs heard without postponement:

29 RVRs were examined. Note: cases which were originally postponed but later rescinded

were not included in this count.

Time from the date of the issuance of the RVR to the date the RVR was heard ranged from 12 days to 80 days. On average, the non-postponed RVRs reviewed were adjudicated within 33 days from the date of the RVR.

RVRs heard with postponement pending DA action:

8 RVRs were noted. Note: RVRs which were originally postponed but later rescinded were included in this count.

Time from the date of the RVRs to the date the RVRs were heard ranged from 39 to 132 days, with an average of 88 days. ISU's method of receiving incident reports and processing DA referrals was reviewed during the previous audit. It was re-reviewed during this audit and will be discussed later in this report.

Post-Hearing Processing Timelines

Following the completion of the hearing by the disciplinary hearing officer or committee, there are no due process timeframes to interfere with rapid completion of the remainder of the disciplinary process. The time is measured from the hearing date through the ICC review. There are several reviews that must occur during this period. Each review is measured.

12 RVRs are still pending. There were no "dismissed" RVRs noted during the review.

Hearing to Facility Captain Review:

Per the Deputy Director memorandum dated March 26, 2003, the expectation is this time will be within 5 working days.

Time from the date of the RVR hearing to the date the RVR was audited by the Facility Captain ranged from "0" (as in "same day" review) days to 22 days.

Of the cases reviewed, **70%** met this expectation. (The percentage is calculated by taking the number of cases meeting the criteria and dividing it by the total number of these cases reviewed. Example, if you looked at 50 cases and 42 met this criterion; you would divide 42/50 which would calculate to 84%). On average, the Captain's review of the RVR occurred 5 days after the hearing. This was an improvement over the last audit which reflected an average of 7 days.

Facility Captain to Chief Disciplinary Officer Review:

Per the Deputy Director memorandum dated March 26, 2003, the expectation is this time will be within 3 working days.

Time from the date the RVR was audited by the Facility Captain to the date the RVR was audited by the Chief Disciplinary Officer ranged from "0" days to 7 days.

Of the cases reviewed, **76%** met this expectation. (The percentage is calculated by taking the number of cases meeting the criteria and dividing it by the total number of these cases reviewed. Example, if you looked at 50 cases and 42 met this criterion; you would divide 42/50 which would calculate to 84%). On average, the CDO's review occurred 2 days after the Captain's review. This was also an improvement over the prior audit which reflected an average of 4 days.

Chief Disciplinary Officer to ICC review:

Per CCR 3335(d) (1) (2), upon resolution an ICC shall review the inmate's case within 14 days.

Time from date the CDO audited the RVR to the case being reviewed by the ICC for the RVR ranged from 12 days to 72 days.

Of the cases reviewed, **19%** met this expectation. (The percentage is calculated by taking the number of cases meeting the criteria and dividing it by the total number of these cases reviewed. Example, if you looked at 50 cases and 42 met this criterion; you would divide 42/50 which would calculate to 84%). Time from the date the CDO audited the RVR to the case being reviewed by ICC averaged 24 days, similar to the findings of the prior audit.

During the last audit, inconsistency was noted related to the manner in which classification staff are notified of adjudicated RVRs. During this week's audit it appears little has changed with staff continuing to report the adjudicated RVR is discovered in the central file during the course of routine ICC review (typically the 60 day ICC review). Another staff discussed a "newly implemented" procedure where-in the ASU CC-II receives the adjudicated RVR from Records, places the RVR in the C-file and takes the inmate to ICC. The extent of other ASU CC-II's use of this procedure is unclear. RJD should consider implementation of a procedure where-in, upon adjudication, an ASU manager or other designated staff is provided with a copy of the adjudicated RVR (atleast the first page of the RVR), which can then be distributed to appropriate RC and GP ASU classification staff to alert them to the presence of the adjudicated RVR, affording opportunity for the next available ICC and contributing to more timely release or transfer from ASU.

Parole Violator Cases referred to the Board of Prison Hearings (BPH) for review:

The number of parole violator (return to custody/ RTC) cases was insufficient to provide a fair review. Therefore, the time-frames related to BPH referrals, were not examined.

Incident Report Processing

Once an incident has occurred, the Incident Report must be prepared and completed. This timeline measures the process within the institution as it completes the report, forwards it to its Investigative Services Unit (ISU) and the subsequent response time from the office of the District Attorney (DA) or the ISU screen-out based on local agreement with the DA.

During the prior audit, a review of the 837 Incident/ Court Tracking Report log reflected the log was not being updated with referral dates, accept/ reject status and disposition-- these portions of the log were generally left blank. A review of the 837 Incident/ Court Tracking Report log during this week's visit reflected this information is still not being updated in the Log, making it of little use to staff. During this audit, ISU also presented copies of memorandums ("Referral Status # 10/08" and District Attorney Non-Referrals # 14/08) which are apparently generated on a regular basis and addressed to Management. The "Referral Status # 10/08" reflected the date of the incident, Date referred and status of the case such as "trial", "Pend DA Review", "Prelim Exam (date)" and "Dismissed". During the audit, CDC 128Bs or other documentation to indicate whether the case was referred or screened out, and especially whether the DA accepted or rejected the case, were routinely missing from the central files, as discovered during the last audit. During the auditors visit to ISU, some of the missing information was obtained however the date of the DA accept/ reject was still generally not available. Frequently however, court related documentation was found in central files which inferred the case had been accepted for prosecution. One of the benefits of tracking DA referral results is to aid in the expeditious hearing of the RVR when it is learned that the case has been rejected (which ultimately aids in the inmate's timely departure from ASU). Based on the "Referral Status" and "Non-Referral" memorandums, there is tracking of DA referrals, however the tracking of DA referrals still needs improvement.

Missing information related to DA referral dates and accept/ reject status complicated the ability of auditors to extract data sufficient for fair representation. However the following information was determined.

Incident Date to ISU Receipt of Incident Report:

Per the Deputy Director memorandum dated March 26, 2003 the complete package will be presented to ISU within 21 calendar days.

Date from incident occurrence to the date ISU received the Incident Report ranged from "0" days to 34 days.

Of 24 DA referral cases reviewed, **95%** were presented within 21 calendar days. (The percentage is calculated by taking the number of cases meeting the criteria and dividing it by

the total number of these cases reviewed. Example, if you looked at 50 cases and 42 met this criterion; you would divide 42/50 which would calculate to 84%).

ISU Receipt of Incident Report to Referral to DA/ISU Screen-out:

Per the Deputy Director memorandum dated March 26, 2003 the expectation is the time should not exceed 5 working days.

Date from ISU receipt of Incident Report to referral to DA or ISU screen out ranged from 3 days to 83 days. Auditor notes only one case was referred to the DA or screened out within 5 working days. The average number of days from ISU receipt of the Incident Report to Referral to DA/ ISU Screen-out was 24 days.

DA Referral to Resolution:

Of the DA referral RVRs reviewed, information as to the date the case was accepted or rejected by the DA was available for only 5 cases. Based on these cases the Date from DA referral to either rejection or acceptance of the case ranged from 19 days to 109 days. **(This is one area that the institution has no definitive control over, however, it is suggested that the institution work closely with the DA's office to track the decision making process to resolution of either acceptance of the case for prosecution or rejection of the case for prosecution).**

Although the institution can not control response times from the DA, staff's timely notification of the date of DA accept/ reject or prosecution results can aid in expediting the disciplinary process and help avoid potential due process violations (time constraints) based on CCR 3316(c)(1).

SAFETY CONCERNS

When an inmate is placed into ASU based on safety concerns, which must be investigated, there are no due process time constraints that delay the resolution and completion of the investigation. The amount of time taken to complete this type of investigation varies and generally reflects the amount of resources utilized to conduct the investigation.

During this review, auditors noted cases were generally not referred for formal investigation

into safety concerns. Several cases reviewed had safety concerns based on high notoriety or commitment offense with enemy on the SNY RC facility. Of the 12 cases reviewed, only two were referred for investigation into safety concern. As a result, there was insufficient data available for review of processing time-frames related to investigations into safety concerns and this area could not be evaluated. The following is supplied for informational purposes:

Investigation Initiation to Completion: Per Deputy Director memorandum dated March 26, 2003 the expectation is this time should not exceed 30 calendar days.

Investigation Completion to ICC Review: Per CCR 3335(d) (1) (2), upon resolution an ICC shall review the inmate's case within 14 days.

GANG INVESTIGATION/VALIDATION/DEBRIEFING

When an inmate is placed into ASU based on the need for investigation of gang activity, there are no due process time constraints, which delay the resolution and completion of the investigation. This timeline measures the amount of time taken to complete this type of investigation, the review by the Office of Correctional Safety (OCS) and the time to review and conclude the issue by ICC and CSR.

During this audit and similar to the audit occurring during the week of 7/21/08 there was an insufficient number of cases available for data collection necessary for fair representation of gang investigation processing time frames. Processing time frames were only available for three of the four cases reviewed, which involved "2.5" validations. Therefore, this area was not evaluated during this review. Auditors did note all three "2.5" cases are retained in ASU pending DRB actions related to indeterminate SHU.

For informational purposes, per CCR 3335(d) (1) (2), upon resolution an ICC shall review the inmate's case within 14 days.

NUMBER OF INMATES IN ASU ENDORSED & AWAITING TRANSFER

Documentation in the central files indicates that 20 of the cases reviewed in ASU are currently endorsed and awaiting transfer.

GENERAL OBSERVATIONS

Several areas appear in need of increased scrutiny and/ or improvement:

1. The Warden's Weekly Report, Administrative Segregation tracking log should be reformatted to include tracking of specific time processes such as pending RVRs (charge, date and status) and investigations (assigned to whom, date and status). This will allow staff to quickly identify cases which may need follow-up or are ready to be brought back to the next available ICC. (Prior discrepancy)
2. Improved tracking of cases is needed to ensure all cases are presented to the CSR within 30 days of the initial ICC referral per CCR section 3335(e). (Repeat deficiency with 42 percent compliance)
3. Adjudicated RVRs are not being reviewed in ICC within 14 days of CDO review as required per CCR 3335(d) (1) (2). (Prior discrepancy with 19 percent compliance). Staff should examine the method of how classification staff are notified of adjudicated RVRs and completed investigations and ensure RVRs or investigations which are likely to have immediate impact for transfer or potential release from ASU are scheduled for next available ICC.
4. Steps should be taken to ensure the ISU 837 Incident / Court Tracking Report is updated on a regular basis and complete. The accept/ and especially the reject dates and prosecution results need to be documented appropriately in order to ensure timely resolution of postponed RVRs. (Prior discrepancy)
5. Steps should be taken to ensure documentation generated by ISU regarding the DA referrals/screen-out/ decisions are expediently placed in the central files. (Prior discrepancy)

Other:

- During the prior audit occurring during the week of 7/21/08, a disproportionate number of inmates with single cell status ("S" suffix) were noted. During this week's audit, only a few inmates were single celled—almost all were double celled per ICC action.
- RJD appears to have a well managed disciplinary review process, noting hearings continue to be conducted in a timely manner by the SHO.

As during the prior audit, RJD staff were helpful and cooperative in supplying information, documents and central files related for this audit. Their assistance was greatly appreciated.

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION
OFFICE OF AUDITS AND COMPLIANCE

REPORT OF FINDINGS

RADIO
COMMUNICATIONS

RJ DONOVAN

SEPTEMBER 29 THROUGH OCTOBER 3, 2008

The seal of the California Department of Corrections and Rehabilitation is a circular emblem. It features a green outer ring with the text "DEPARTMENT OF CORRECTIONS AND REHABILITATION" at the top and "STATE OF CALIFORNIA" at the bottom, separated by two gold stars. The center of the seal depicts a golden scale of justice and a map of California in orange.

PRELIMINARY

CONDUCTED BY

TELECOMMUNICATIONS

Review of Radio Communications

RICHARD J DONOVAN STATE PRISON, SAN DIEGO, CA.

Introduction

This review of Radio Communication Operations at the Richard J Donovan State Prison, San Diego (RJD) was conducted by the Compliance/Peer Review Branch (CPRB), Office of Reviews and Compliance and the Radio Communications Unit (RCU), between the dates of September 29 through October 3, 2008. The review team utilized the California Penal Code (PC), California Code of Regulations (CCR), Title 15, California Department of Corrections and Rehabilitation (CDCR) Department Operations Manual (DOM), State Administrative Manual (SAM) as the primary sources of operational standards.

This review was conducted by Lorretta Fine, Chief Telecommunications Division, Facilities Planning and Construction.

The review consisted of an on-site inspection, interviews with staff, reviews of procedures, and observation of institutional operations.

The purpose of the CPRB review is one of overall analysis and evaluation of the Institution's compliance with the terms and conditions of State regulations as applied to Public Safety Communications.

Each area was reviewed and if there was an error it was reviewed with RJD Radio Liaison/Armory Staff to verify the issue. Overall, findings presented in the attached report represent the consensus.

Review of Radio Communications

California State Prison Richard J Donovan

REVIEW SCOPE AND METHODOLOGY

The CPRB and the RCU conducted an on-site review at RJD during the period of September 29 through October 3, 2008. The purpose of this review was to assess the level of compliance with established State regulations in the areas of Public Safety Communications. This review and the attached findings represent the formal review of RJD compliance by CPRB.

The scope and methodology of this review was based upon written review procedures developed by the CPRB and provided to RJD staff in advance of the review.

Random sampling techniques were employed as an intrinsic part of the review process. Throughout the tour, on-duty custody staff were interviewed regarding current practices, all staff were polite and professional when asked these questions.

A random sample of radios were reviewed, checking the Radio as to the Post Assignment, the Department of General Services (DGS) 'S' number and the radio serial number. Utilizing the inventory to prove the proper radio location, RJD was at 100% on radio placement. The System Watch computer has been sent out for repair and was not able to be tested at this time. The Selective Inhibit Dynamic Regrouping (SIDR) computer was evaluated in Control and it is working properly at this time. The Radio Vault was inspected and found to be in near perfect condition with the exception of an intrusion alarm. The reviewer requested a work order be completed. RJD staff will be completing a work order for the repair of such system. Radio liaisons (Brown and Segovia) have requested additional radio training from the Radio Communications Unit and that will be provided as soon as possible.

Recommendations are to continue normal practices as RJD has no issues with usage of the 800 MHz Trunked Radio System and all RJD staff are following all required Public Safety Standards.

The Reviewer would also like to complement the Radio Liaisons at RJD (Officer Brown and Sergeant Segovia) as their organizational skills and overall help made this review a success.

Radio Communication Compliance Review
Richard J Donovan State Prison
Exit Conference Discussion Notes
October 3rd, 2008

The Office of Audits and Compliance (OAC) and the Radio Communication Unit (RCU) conducted a Radio Communication Security Compliance Review of RJD the week of September 29th, 2008. The review covered 28 different areas. RJD was fully compliant in 26 areas, and partially compliant in 1 area and Non Compliant in 1 area. The chart below details these outcomes. Other observations were noted below.

FINDINGS SUMMARY:

		Compliant	Partial Compliance	Non Compliant
1	Radio Liaison Identified?	C		
2	Inventory System in Place?	C		
3	All Radios Accounted for?	C		
4	Radio Matrix in place?	C		
5	Repair Procedure?	C		
6	Repair Tracking?	C		
7	Battery Management in Place?	C		
8	Proper usage of Battery Management?	C		
9	Inmate Access to Radios?	C		
10	Radio Vault Secured?	C		
11	Intrusion alarm on Radio Vault?			N *
12	Authorization to enter Vault?	C		
13	Key to Vault Secured?	C		
14	Vault key access for DGS-TD Tech?	C		
15	System Watch/SIDR Operational & Computer Secured?		P **	
16	Procedure to operate System Watch/SIDR?	C		
17	Staff to operate System Watch/SIDR identified?	C		
18	System Watch/SIDR Training?	C		
19	Chit System in place for Radios?	C		
20	Other Radios on grounds?	C		
21	Scanners on Grounds?	C		
22	Who do you contact for System Malfunction?	C		
23	Steps taken when System Fails?	C		
24	Staff have knowledge on Radio Fail-Soft?	C		
25	Staff have knowledge of RCU Staff?	C		
26	Off Grounds Communication?	C		
27	Working CLERS System?	C		
28	Working CMARS System?	C		
Total		26	1	1

* Radio Vault has aN Intrusion alarm but it is non functional, staff requested a work order at time of Review.

** System Watch computer were not working properly, DGS has been working on the problem.